

JUDGE ABDEL-QADIR OUDEH

ISLAM

*Between the ignorance of its followers
& the incompetence of its scholars*

Translated by
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“O our people! Respond to Allah’s summoner”

[The Wind-Curved Sandhills, 46: 31]

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PUBLISHER'S INTRODUCTION

Praise be to Allah, Lord of the worlds, and may Allah's prayers be on our Prophet, our guide, our example, Prophet Muhammad, and on his family and all his companions.

This is a book whose message, although small in size, is of great significance and includes abundant meanings. It was written by a great reformer, the oppressed judge Abdel Qadir Oudeh.

He revealed in this message the virtues of the Islamic *Shari'ah*, and responded to the doubts of falsehood around it, summarising its content for us by saying, "And here is a small message in which I gathered from the *Shari'ah* provisions that which is indispensable for an educated Muslim. I have shown the true aspect of the ignorant claims against the *Shari'ah*, some strange allegations that have no logic or proof to support them."

It is sufficient to illustrate the distinction of this honourable judge by quoting this testimony of the *Mubadith* of Egypt, Sheikh *Al-Alamah* Ahmad Muhammad Shaker, who worked in the judiciary for thirty years. Sheikh Shaker said, while in the course of responding to the judges of the national courts at that time and to their offenses against the Islamic *Shari'ah*:

"He is the man, the only national judge, as far as I know, who understood the Islamic legislation correctly, both its future potentials and its details, except for a small mistake, forgetfulness, and so forth, which no person is free from."

"I did not know this judge before, but I saw the announcement of his book called, 'Islamic Criminal

Legislation Compared to the Statutory Laws', ^[1] in the Egyptian newspapers in the month of Rajab this year. I bought the book and was astonished by the knowledge it contained, the power of the ideas, the details of the research, his explanation of the different groups, and then his speaking out against the groups and their ignorance of the *Shari'ah*. Moreover, he invited them sincerely to leave these corrupted laws and to return to their *Shari'ah*, as Allah (Exalted and Glorified be He) commanded them to do." ^[2]

In explaining the importance of this valuable message, we leave space for the great writer, Muhammad Rajab Al-Bayoumi, who said:

"Perhaps referring to this wonderful message, which every Muslim must adopt, he revealed an excruciatingly painful point: the Muslim intellectuals' ignorance of their *Shari'ah*. Those who boast about the European culture made this culture a source of superiority over other cultures, including the culture of Islam. They falsely exaggerated this idea, but the professor revealed its crooked path and their complete ignorance of the Book of Allah (Exalted and Glorified be He) and the Sunnah of His Messenger (pbAbuh). Unfortunately, they are the opinion-holders in the country with their senior occupations and distinguished positions! Their claim that the Islamic *Shari'ah* is a temporary law that is not suitable for the requirements of the time is based on ignorance, not based on any knowledge, and Professor Oudeh revealed how impudent and shameless this claim is and also invalidated it,

^[1] It was repeatedly reprinted by the Resala Foundation, in two volumes.

^[2] "Report on Education and Judicial Affairs." pp. 75, 76.

uncovering its ugly defects. Moreover, the last chapter, under the title, '*Who is responsible for our present situation*', is a very harsh and painful chapter; however, this harshness is necessary for such ignorant people, as when all else fails, the physician has to resort to cauterization, as the old proverb says. These are some wonderful aspects of the academic ideas that the martyr Abdel Qadir Oude implemented in his own life. In his lectures and writings, he called others to continue the work he started to achieve its goals, and he conducted seminars, debated with the opponents, and gathered crowds. Finally, he won Allah's Paradise, as a pure martyr (Allah willing) among the prophets and the truthful whom Allah (Exalted and Glorified be He) has rewarded with Paradise." ¹³¹

We ask Allah (Exalted and Glorified be He) to benefit, from this edition, its author, publisher, and whoever helped in preparing it. And praise be to Allah (Exalted and Glorified be He) in the beginning and the end.

³¹ □ "*Al-Nahdat Al-Islamyah fi Sayr 'Aelamiha Al-Mueasirin*" 5/ 184

ABDUL-QADIR OUDEH IN BRIEF

Mujahid scholar, constitutional jurist, and skilled expert in jurisprudence.

He was born in 1321 AH, 1903 AC, in the village of Kafr El-Haj Sherbiny, one of the districts in Sherbin in Dakahlia Governorate, Egypt.

- He joined the government schools and memorised the Qur'an. When he finished the secondary certificate, he enrolled in the Faculty of Law and was a student of Sheikh Abdul Wahab Khallaf and Sheikh Muhammad Abu Zahra, finally graduating in 1930.
- He joined the Egyptian judiciary, occupying a position in the prosecution and then the judiciary; he was a skilled and knowledgeable jurist. In 1951, he resigned from the judiciary and dedicated himself to working in his legal practice; he opened a law firm and reached the highest position among his fellow lawyers.
- During the period of President Muhammad Najeeb, he was appointed as a member of the Egyptian Constitution Committee, and in 1953 the Libyan government delegated him to draft the Libyan constitution.
- He was a prominent figure in the Muslim Brotherhood, and his voice became a source of terror for those who staged the coup d'état of 23 July in Egypt in 1952. When they first started trying to isolate President Muhammad Najeeb, Professor Abdel Qadir led a major public demonstration that forced them to return him to office. This role was a thorn in the tyrant's throat who fabricated *El-*

Mansheya incident in Alexandria to eliminate the Muslim Brotherhood. Abdel Qadir was not in Alexandria at the time, nor was he one of the alleged defendants at the beginning, but they did not forget his role in the demonstrations. He was brought to trial, although he was innocent, and was unjustly killed by the sword of oppression.

- He was sentenced to death by hanging in an unjust military court; the sentence was executed on 7 December 1954. He concluded his blessed life with martyrdom (Allah willing), declaring the truth before an unfair ruler.
- Among his books are: “Islamic Criminal Legislation”, “Islam and Our Legal Conditions”, “Islam and Our Political Conditions”, “Money and Rule in Islam”, and this message in our hands.
- May Allah (Exalted and Glorified be He) have mercy on him and accept him among the righteous.
[4]

In the Name of Allah, the Compassionate, the Most Merciful

⁴ See his biography in: “*Al-A’alaam*” by Zarkali, 4/42, and “*Al-Nabdat Al-Islamiyah fi Sayr ‘Aelamiha Al-Mueasirin*” by Muhammad Rajab Al-Bayoumi, 5/184, “*Min ‘Aelam Al-Dawah wal-Barakat Al-Islamiyah Al-Mueasirah*” by Abdullah Aqeel bin Sulayman Al-Aqeel, 1/491-505.

THE AUTHOR'S INTRODUCTION

Praise be to Allah, who taught with the pen, taught man what he did not know, and may prayers and peace be on Muhammad, the illiterate Prophet that Allah (Exalted and Glorified be He) chose to guide His creation, sending him to all people as a caller and a teacher; he called them to Allah (Exalted and Glorified be He) and taught them His book, and cited for them His saying,

“O people of the Scripture! Now has Our Messenger come to you, expounding to you much of that which you used to hide in the Scripture, and forgiving much. Now has come to you light from Allah and a plain Book, Whereby Allah guides him who seeks His good pleasure to paths of peace. He brings them out of darkness to light by His permission, and guides them to a straight path” [Table, 5: 15–16].

It saddens any Muslim to see Muslims go from weakness to weakness, and move from ignorance to ignorance, not realising the true reason for their present situation being the ignorance of the Islamic *Shari'ah* and the negligence in implementing its perfect and eminent laws. They do not know that their adhering to the corrupted statutory laws has degraded, spoiled and inherited them weakness and humiliation.

I believe we only avoid implementing the rulings of the Islamic *Shari'ah* because of our ignorance of them, and the negligence of our scholars or their incompetence in introducing them to us. If every Muslim knew his duty towards the *Shari'ah*, he would not delay to perform it and we would compete to work in serving the *Shari'ah* and implement its rulings.

I have come to realise that the best way a Muslim can serve his brother is to acquaint him with the rulings of the Islamic *Shari'ah* and show him what is currently hidden from him.

This is a small message in which I gathered the rulings of the *Shari'ah* that are indispensable to an educated Muslim, and in which I revealed the truth of some of the ignorant bizarre claims against the *Shari'ah* which are not logical or supported by any proofs.

I hope this message will correct some of the misunderstandings about Islam in the minds of our educated brothers who received secular education. Moreover, I hope it will motivate the Islamic scholars to change their methods and follow a new approach in servicing Islam, as they are the successors of the Prophets and the ones who propagate the Messengers' words.

I ask Allah (Exalted and Glorified be He) to guide us all to the straight path.

Abdul Qadir Oudeh

CHAPTER ONE

WHAT A MUSLIM SHOULD KNOW

We, Muslims, are pleased to be associated with and are proud of Islam, but unfortunately, we do not know the essential rulings of Islam and neglect its most excellent details.

Rulings of Islam and Its Constituents:

The rulings of Islam are the principles and theories in the Qur'an which were sent down to the Messenger (pbAbuh), who brought them to us. The collection of these principles and theories are what we call the Islamic *Shari'ah*. Therefore, the *Shari'ah* is the set of principles and theories that Islam has enacted, in the topics of monotheism, faith, acts of worship, personal affairs, crimes, administration, politics, and other purposes and aspects.

Islam's most significant constituent is the implementation of its rulings, since Islam was established only for its rulings to be known and its rituals to be established. Accordingly, the one who neglects or obstructs the Islamic *Shari'ah* is the one who has no regard for and obstructs Islam.

Rulings of Islam have been enacted for religion and this world:

Islam brought two types of rulings:

[1] Rulings intended to establish the religion.

These include rulings of beliefs and worship.

[2] Rulings intended to organise the state and groups, and organise mutual relationships among individuals and groups.

These include the rulings of transactions, penalties, personal affairs, the constitution, international transactions, and others.

Islam combines the religion and everyday life of this world, the mosque and the state, as it is a religion and state, worship and leadership.

The religion is one part of Islam, and the government is its second part; however, it is the most crucial part. Othman bin Affan was truthful when he said, “Allah (Exalted and Glorified be He) averts with authority what is not averted by the Qur’an.”^{5]}

The diversity and multiplicity of the Islamic rulings were revealed to make people happy in this world and the Hereafter; for every worldly act, there is a result in the Hereafter. Consequently, the devotional acts, efforts in the community, crime, constitution, or international affairs have a result in this world, with regard to performing duties, establishing ownership or lack of ownership, and establishing rights or freedom from obligations, executing penalties, or allocating responsibilities. There is an effect in this world, and another effect in the Hereafter: the recompense or penalty in the Hereafter.

^{5]} It was related by Ibn Shabah in “*Tarikh Al-Madienah*” [3 /988]” through Musa bin Ismail, on the authority of Hammad bin Salāmah, on the authority of Yahya bin Sa’eed Al-Ansari, on the authority of Uthman [RA] that he said, “Maybe the Sultan averts the people to a greater extent than the Qur’an averts [them].” It is a *Mursal* hadith. “Averts”, means stopping and preventing. Al-Hafiz Ibn Katheer, explaining its meaning, said, “Allah [swt] enables the Sultan to prohibit immorality and sins that the Qur’an, despite the certain promises and severe threats it contains, does not make the people abstain from” end quote. “*Tafser Al-Qur’an Al-Az’eem*” [5/111], [The publisher]

It is built on the fact that the *Shari'ah* is intended to make people happy in this world and the Hereafter; it is considered an undividable unit or an indivisible total. This is because taking some of it and leaving some does not lead to achieving its purpose.

Anyone who follows the verses of rulings in the Qur'an will find that violating any of them results in two penalties: a worldly penalty and a penalty in the Hereafter.

The penalty of banditry [or high way robbery] is killing, crucifixion, or exile, the worldly penalty, and a great torment in the Hereafter. Allah (Exalted and Glorified be He) says, *"Indeed, the penalty of those who make war upon Allah and His Messenger and strive [to cause] corruption in the earth will be that they will be killed or crucified, or have their hands and feet on alternate sides cut off, or will be expelled out of the land. This will be their disgrace in this world, and in the Hereafter, for them will be a great doom"* [The Table Spread, 5: 33].

Spreading indecency and accusing virtuous women have a penalty in the world and a penalty in the Hereafter. Allah (Glorified be He) says, *"Lo! Those who love that slander should be spread concerning those who believe, for them will be a painful punishment in the world and the Hereafter. Allah knows. You do not know"* [Light, 24: 19].

And He says, *"Lo! As for those who accuse virtuous, believing women [who are] unaware, they are cursed in the world and the Hereafter. For them will be an awful doom. On the day when their tongues and their hands and their feet testify against them as to what they used to do. On that day, Allah will pay them back their just due, and they will know that Allah, He is the Manifest Truth"* [Light, 24: 23–25].

Intentional killing has two penalties: retaliation in this world and torment in the Hereafter, according to Allah's saying, "*O you who believe! Retaliation is prescribed for you in the matter of the murdered*" [The Cow, 2: 178].

And He says, "*Whoever kills a believer on purpose, his reward is Hell, forever. Allah is angry against him, and He has cursed him and prepared for him a great doom*" [Women, 4: 93].

Thus, we hardly find a ruling for which the Islamic *Shari'ah* does not provide a penalty in the Hereafter in addition to the worldly recompense.

If we happen to come across a ruling that only stipulates the worldly penalty, such a case is also included in the generalisation of Allah's saying, "*Is he who is a believer like him who is defiantly disobedient? They are not alike. But as for those who believed and did righteous deeds, for them are the Gardens of Retreat—an accommodation [in reward] for what they used to do. And as for those who defiantly disobeyed, their retreat is the Fire. Whenever they desire to issue out from it, they are brought back there. To them it is said, 'Taste the doom of the Fire which you used to deny'*" [The prostration, 32: 18–20].

And He says, "*These are the limits [imposed by] Allah. Whoever obeys Allah and His Messenger, He will make him enter Gardens underneath which rivers flow, where they will dwell eternally. That will be the great success. And whoever disobeys Allah and His Messenger and transgresses His limits, He will make him enter Fire, where they will dwell eternally; for him will be a humiliating doom*" [Women, 4: 13–14].

The provisions of the Islamic *Shari'ah* were not legislated for this world and the Hereafter for no reason, but it was a prerequisite by the rationale of the *Shari'ah*. This is because it basically considers this world as a home of affliction and

one that will eventually come to an end, and the Hereafter as the eternal home of recompense. Man is responsible for his deeds in this world and rewarded for them in the Hereafter. If he does good, it is for himself, and if he does bad, it is against himself, and the worldly recompense does not prevent the recompense of the Hereafter and does not override it, unless man repents and returns to Allah.

The Islamic *Shari'ah* is more distinguished than the statutory law as it combines religion and this world, and legalises for this world and the Hereafter. This is the only reason that encourages the Muslims to obey the *Shari'ah* in secret and public, and in ease and affliction, because they believe—according to the *Shari'ah* rulings—that obedience is a type of worship which brings them near to Allah and for which they are rewarded. Even if a person is able to commit a crime and evade the penalty, he does not commit the crime because he fears the penalty of the Hereafter and Allah's anger. All of this results in fewer crimes, preserves safety, and maintains the order in the group, unlike the case in the statutory laws. This is because the statutory laws do not affect the hearts of those on whom they are applied, urging them to obey the laws; they only obey them if they fear they will fall under its jurisdiction. And for whoever can commit a crime and can avoid the law being enforced on him, there is nothing that prevents him from committing it, neither a moral nor religion. Therefore, crimes steadily increase in the countries which apply statutory laws, and morals become worse. The increase in the number of criminals in the aristocratic classes is proportional to the moral corruption in these classes, due to the ability of its members to evade the authority of the law.

Rulings of *Shari'ah* are indivisible:

The rulings of *Shari'ah* are indivisible and cannot be separated, not only because what we have previously mentioned that dividing the *Shari'ah* is not in conformity with the purpose of the *Shari'ah*, but because the texts of the *Shari'ah* do not allow acting on some of them and neglecting others, as they prohibit believing in part of it and disbelieving in another part; the *Shari'ah* obligates acting on all that it came with. Whoever does not believe this and acts accordingly, is one of those Allah referred to in His saying, *“Do you believe in part of the Scripture and disbelieve in [another] part of it? And what is the reward of those who do so except ignominy in the life of the world, and on the Day of Resurrection they will be consigned to the most grievous doom”* [Al-Baqarah, 2: 85].

Texts often mentioned the prohibition of acting according to only a part of the *Shari'ah* and not acting according to the other parts. One of these texts is His saying,

“Lo! those who conceal the proofs and the guidance which We sent down, after We had made it clear to mankind in the Scripture: these are cursed by Allah and cursed by those who curse. Except those who repent and amend and make manifest [the truth]. Those, I will accept their repentance. I am the One Who accepts repentance, the Merciful” [The Cow, 2: 159, 160].

Concealing texts results in acting on some rulings but not acting on others, and acknowledging some but denying others. Allah's saying, *“Lo! those who conceal from the Book that which Allah has sent down, and purchase a small gain with it, they eat into their bellies nothing else than fire. Allah will not speak to them on the Day of Resurrection, nor will He purify them. For them will be a painful doom. Those are the ones who purchase error at the*

price of guidance, and doom at the price of forgiveness. How patient are they in their strife to reach the Fire!" [The Cow, 2: 174–175].

And Allah's saying, "*Lo! We sent down the Torah, in which is guidance and a light, by which the prophets who surrendered [to Allah] judged the Jews, and the rabbis and the priests [judged] by what they were entrusted of Allah's Scripture as they were bidden to observe, and they were witnesses to it. So do not fear mankind, but fear Me. And do not exchange My verses for a little gain. Whoever does not judge by that which Allah has revealed, these are disbelievers*" [The Table Spread, 5: 44].

And He says, "*Lo! those who disbelieve in Allah and His Messengers, and seek to make distinction between Allah and His Messengers, and say, 'We believe in some and disbelieve in others,' and seek to adopt a way in between; These are disbelievers in truth*" [Women, 4: 150–151].

And Allah's saying,

"And We have revealed to you [O Muhammad] the Book [this Qur'ân] with the truth, confirming whatever Scripture was before it, and being a final authority [to preserve or reject any of] it. So judge between them by that which Allah has revealed, and do not follow their desires away from the truth which has come to you. For each, We have appointed a divine law and traced-out way. Had Allah willed, He could have made you one nation. But [He did not do this] that He may try you by that which He has given you. So vie one with another in good deeds. To Allah you will all return, and He will then inform you of that in which you differ. So judge between them by that which Allah has revealed, and do not follow their inclinations, but beware of them lest they tempt you from some part of that which Allah has revealed to you. And if they turn away, then know that Allah's will is to smite them for some sin of theirs. Lo! many of mankind are defiantly disobedient. Is it a judgment of the time of

[pagan] ignorance that they are seeking? Who is better than Allah for judgment for a people who have certainty [in their belief]?” [The Table Spread, 5: 48–50].

The Islamic *Shari’ah* is a Divine global *Shari’ah*:

The Islamic *Shari’ah* has an advantage over other legislations: it is a global *Shari’ah*, which Allah (Exalted and Glorified be He) has descended to His Messenger Muhammad (pbAbuh) to convey to all people, the Arabs and non-Arab, Eastern and Western nations, according to their different beliefs, varying traditions, customs and history.

It is the *Shari’ah* for every family, tribe, group and state.

Rather, it is a global *Shari’ah* that legal scholars tried to imagine, but could not formulate. Read Allah’s saying, “*Say [O Muhammad], ‘O mankind! Lo! I am the Messenger of Allah to you all’*” [The Heights, 7: 158].

And He (Glorified is He) says, “*He is the One Who has sent His Messenger with the guidance and the Religion of Truth that He may cause it to prevail over all religions*” [Repentance, 9: 33], and also [Victory, 48: 28], and [The Ranks, 61: 9].

The Islamic *Shari’ah* is complete and permanent:

The *Shari’ah* was sent down from Allah, complete and comprehensive. It was sent down in a short period, starting with the Messenger’s (pbAbuh) mission and ending with his death. Or it ended on the day Allah’s following saying was revealed, “*This day have I perfected your religion for you and completed My favour to you, and have approved for you Al-Islâm as the religion*” [Table, 5: 3].

This text clearly indicates the completeness and permanence of the *Shari'ah*, after its texts determined Muhammad as being the seal of the prophets, "*Muhammad is not the father of any man among you, but he is the Messenger of Allah and the Seal of the Prophets*" [The Clans, 33: 40].

Whoever refers to the *Shari'ah* rulings will notice that they came complete, without any deficiency; they include matters for individuals, groups and countries. It regulates personal affairs, transactions, everything related to individuals, the organisation of governance, administration, politics and other matters related to the group. As such, they regulate mutual relationships between countries in war and peace.

The Islamic *Shari'ah* did not come for a certain time, era or period, but rather, it is the *Shari'ah* of all times, every era, and all periods until Allah inherits the earth and those on it.

The texts of *Shari'ah* have been formulated in a way that their texts are not affected by the passage of time, its quality does not wear off with time and its general rules and fundamental theories do not require any alterations. So its texts came, in their generality and flexibility, to govern every new case, even cases that are not possible to anticipate. Thus, the *Shari'ah* texts cannot be altered and replaced like the texts in statutory laws are altered and replaced.

Comparison between the origin of the *Shari'ah* and the origin of the statutory law:

We have previously mentioned how the Islamic *Shari'ah* arose, but regarding the statutory law, it arose in the group, which organised and governed it as insignificant and limited rules for the group. Then it developed with the development of the group; therefore, its rules increased and theories improved as the group's needs increased and diversified. When the group progressed in its ideas and knowledge, the rules were established by the governing party controlling the persons in the group. The governing party are the ones who refine and change these rules; that is, the group creates the law and changes it in a manner that meets its needs. The law follows the community, and its progress is associated with the progress of the community.

The law began to be formulated, as the legal scholars say, with the formation of the family in early ages. Then it developed with the formation of the tribe, later developing with the formation of the state with the last stage of development beginning after the eighteenth century, guided by the modern philosophical and social theories. The statutory law has undergone immense development from that time until the present, being based on theories and principles which had not existed in previous times.

The nature of the *Shari'ah* differs from the nature of the statutory law:

After reviewing the origin of the *Shari'ah* and the origin of statutory law, we can rightly say that the *Shari'ah* is not similar to the law. The nature of the *Shari'ah* is entirely different from the nature of the law. And if the nature of the *Shari'ah* was the same as the nature of the law, coming in the way the statutory law came and with the description we have previously mentioned, it will have to first come as

a basic *Shari'ah* and take the path of the statutory law, evolving with the group, and it could not have reached its well-organised form without the modern theories that laws did not know until recently. In fact, it could not have reached such a well-developed form until after the statutory laws knew these theories and after the passing of thousands of years.

The main differences between the *Shari'ah* and the statutory law:

The Islamic *Shari'ah* basically differs from the statutory laws in three aspects:

First Aspect:

The *Shari'ah* is from Allah, as for the law, it is from human beings, and both the *Shari'ah* and law are clearly exemplified by the qualities of their Makers.

The law: is made by humans, and is represented by the imperfectness of human beings and their inability, weakness and lack of knowledge. Hence, the law is subject to change, or what we call evolution. As the group evolves to a degree that was not expected, situations that were not previously predictable become apparent.

Consequently, the statutory law is always deficient and it can never be perfect. This is because the ones who formulate it cannot be described as being perfect. Moreover, they cannot encompass future situations, even though they have the ability to fathom what has previously occurred.

As for the *Shari'ah*, Allah is the One Who formulated it and the capacity of the Creator is clear in it, with regard to His perfection, His greatness and His complete knowledge

of the past and the future. The Knowledgeable, the All-Aware formulated it, so it is suitable for everything in the present and the future.

Second Aspect:

As for the law, it consists of temporary rules which the group formulates to organise its affairs and meet its needs. As a result, the rules are formulated after the needs of the group arises, or, at the most, they are suitable for the needs of the group today but are not suitable for the situation tomorrow, because the laws do not develop at the same rate as the group. Moreover, they are temporary rules that suit the temporary situation of the group, they have to be changed whenever the status of the group changes.

As for the *Shari'ah*, Allah has established its rules on a permanent basis in order to regulate the affairs of the group. Consequently, the *Shari'ah* is like the law as both are designed to organise the group but the *Shari'ah* differs from the law because its rules are permanent and cannot be altered and replaced.

This distinction of the *Shari'ah* logically necessitates:

First: The rules and texts of the *Shari'ah* should be flexible and generic to encompass the needs of the group, no matter how many years may pass and to what extent the group develops and the needs multiply and diversify.

Second: The rules and texts of the *Shari'ah* are lofty and superior. There is no time when they are not suitable for the group, not having been evolved enough for any time or period.

In fact, everything that is required, by logic, is provided in the *Shari'ah* having these two qualities; indeed, it is the

essential characteristic of the *Shari'ah*, as its texts are general and flexible to the utmost limits of generalisation and flexibility, and it has reached a state of loftiness beyond a person's imagination.

More than fourteen centuries have passed since the *Shari'ah* was first revealed, in which conditions have changed more than once, opinions and sciences have evolved considerably, and industries and inventions have been created to a limit beyond the person's imagination. The rules of the statutory law and its texts have changed to cope with new situations and conditions. There is now no relationship between the rules of the statutory law applied today and its rules that were applied at the time the *Shari'ah* was revealed. Despite all of this change, the Islamic *Shari'ah* was not altered or replaced, and its principles and texts have remained more noble than the groups, organising and satisfying their needs more, being more in line with their natural state and safer for their security and tranquillity.

This is the marvellous testimony of history, which stands on the side of the Islamic *Shari'ah*, and there is nothing more wonderful than it except the testimony of the sacred texts and their logical ideas. Let us take, for example, Allah's saying, "*Consult with them on the conduct of affairs*" [The Family of Imran: 3, 159].

And His saying, "*And whose affairs are a matter of counsel?*" [Counsel, 42: 38].

And His saying, "*But help one another to [do] righteousness and pious deeds. Do not help one another to [do] sin and transgression*" [The Table Spread, 5: 2].

The Messenger (pbAbuh) said, “There is neither injury nor a return of injury in Islam.” ^[6]

These are texts from the Qur’an and Sunnah which have reached the utmost in their generality and flexibility. They determine *Al-Shura* “consultation” as a basis for any ruling in a way that repudiates harm and wrongdoings, achieving cooperation in being righteous and pious. Thus, the *Shari’ah* reached the lofty level that humans are unable to reach.

Third Aspect:

The purpose of the *Shari’ah* is to organise and guide the group, to produce righteous individuals, and create the ideal state and the ideal world. For this reason, its texts came in a form that was nobler than the whole world at the time they were revealed, and still are so today. It brought principles and theories which the non-Islamic world was unable to comprehend and were only able to reach after many centuries, and with what this world is unable to comprehend or reach even now. For this reason, Allah (Exalted be He) has taken on the responsibility of enacting the *Shari’ah* and revealing it as a model of perfection, to direct people to be obedient and virtuous and direct them to complement and improve each other,

^[6] The narration with this wording was narrated by Al-Tabarani in *Al-Awsat* [1033, 268] from the hadith of Jabir, [RA] Ibn Rajab mentioned in “*Jamie Al-Ulum wa Al-Hekam*”, 209/2: Its chain of transmission is *Muqareb* and *Ghareeb*. It came without the phrase “in Islam” in the narration of Ibn Majah [2340] from the hadith of Ubadah ibn Al-Samet] and [2341] also from the hadith of Ibn Abbas [RA], and Al-Daratqni from the hadith of Abu Saeed Al-Khudri [RA]. Al-Nawawi said it is classified as *hassan* in “*Al-Arbe’en Al-Nawawiyah*”, hadith thirty-two [The publisher]

until they reach or nearly reach the perfect level of the *Shari'ah*.

As for the law, its basic principle is stipulated to organise the group, but it does not direct the people to noble actions. Accordingly, the law follows the group, being stipulated after the needs of the group as they appear, and is subsequent to its development. However, the law changed courses in the current century, diverging from its original path; it has been developed to guide the group and organise it. This is because countries started to call others to new systems, using the law to direct people to certain views and to fulfil specific purposes, as happened in Russia, Turkey, Germany, Italy and other countries.

Therefore, the final form of the statutory law is similar to the original form of the *Shari'ah*, and it started to implement what the *Shari'ah* had preceded fourteen centuries.

The Essential features distinguishing the *Shari'ah* from the statutory law:

We can conclude from the above that the Islamic *Shari'ah* has advantages over the statutory laws in three essential features:

1- Completeness:

The *Shari'ah* excelled the statutory law due to its completeness, i.e., it contains all that it needs of principles and theories. It has a very wide collection of principles and theories, enough to guarantee the fulfilment of the needs of the group in the near present and the distant future.

2- Loftiness:

The *Shari'ah* has the advantage that its rules and principles are always superior to the needs of the group; it is rich in principles and theories which are characteristic of this noble level, whatever the level of people may be.

3 – Permanence:

The *Shari'ah* is distinguished from the statutory laws due to its permanence, as its texts cannot be altered or replaced, no matter how many years and how long a time may pass. Its validity is suitable for every time and place.

The Method of Legislation with the Islamic *Shari'ah*:

The basic principle in *Shari'ah* is that it came to govern people in all their situations and for them to resort to its judgement in their affairs of this world and the Hereafter. However, the *Shari'ah* did not come with detailed texts that clarify the ruling of all sub-cases and sub-states, as the statutory laws do today. In most cases, the *Shari'ah* merely mentions general rulings in flexible general texts. If a sub-rule is needed and has to be stipulated, it is stipulated by considering the broad rulings under which it is placed.

The broad rulings stipulated in the *Shari'ah* are rightly considered the general rules of the Islamic legislation, the structure of the specific rulings represents the special features of the Islamic legislation, and the general controls govern the Islamic legislation. The *Shari'ah* has left the rulers to develop any details in the legislation based on these rules and to finish organising all the sub-topics, illustrating its specifics and details within the limits of the principles and general controls the *Shari'ah* has brought.

The method to which the *Shari'ah* adheres with regard to legislation is the only method compatible with its

characteristics and with what it is characterised in terms of its completeness, loftiness and permanence, where loftiness and completeness prerequisite stipulating all human and social principles and theories that guarantee a good life for the group, achieving justice, equality and mercy among its individuals, directing them to goodness and inviting them to be outstanding. The attribute of permanence prerequisites that its rulings are not temporary, they do not change with the change in circumstances and the change of days.

The right of rulers to legislate:

Even though the *Shari'ah* has given rulers the right to legislation, it did not give them this right as an absolute right, without any constraints; the right of rulers in legislation is restricted to what they enact of legislation which is in accordance with the rulings of the *Shari'ah* and its general principles and legislative spirit. The restriction of their right to legislate in this way makes their right to legislate limited to two types of legislation:

[A] Executive legislations:

This is intended to ensure implementation of the rulings of the Islamic *Shari'ah*, and legislation in this way is represented by the regulations and decisions which ministers issue today, each within the limits of his specialisation, to guarantee the implementation of the laws.

[B] Regulatory legislations:

This is intended to organise and protect the group and meet its needs based on the general principles of the *Shari'ah*. These legislations are concerned with what the *Shari'ah* is silent about, there are no particular texts

regarding them. For this type of legislation, the rules have to be consistent with the principles of *Shari'ah* and its legislative spirit.

Ruling of rulers who go beyond their limits:

Scholars have agreed that the legislation of the rulers is correct as long as it is within the limits of his right, but it is invalid if he goes beyond these limits. Therefore, if rulers make any decision which is in agreement with the texts of *Shari'ah* and its general principles and legislative spirit, it is correct, and obedience to it is obligatory. However, if they make any decision which contravenes the *Shari'ah*, their decision is invalid, and it is not correct to act according to anything which is invalid. Moreover, obedience to it is not obligatory.

The basis for this is Allah's saying, "*O you who believe! Obey Allah and obey the Messenger and those of you [Muslims] who are in authority; and if you have a dispute concerning any matter, refer it to Allah and the Messenger*" [Women, 4: 59].

And His saying, "*And in whatever you differ, the verdict in it belongs to Allah*" [Counsel, 42: 10].

Allah obligates us to obey His commands and He obligates us to obey the Messenger (pbAbuh) and the rulers, obedience to Allah has been made obligatory by Allah's command. Allah's command obligates obedience to the Messenger (pbAbuh) and rulers, and obedience to Allah is obligated by the command of Allah, not by either the Messenger's command or the rulers command. If the ruler does not rule by what Allah has sent down, then his command is void, and it is not compulsory to obey him.

The Messenger (pbAbuh) confirmed these meanings in his saying, “There is no obedience to any creature with regard to disobeying the Creator.”^[7]

And in his saying, “Obedience is only in goodness.”^[8]

While he said about rulers, “He who commands you to do wrong, there is neither hearing nor obeying [of him].”^[9]

Do rulers keep within their limits?

Rulers in most of the Islamic countries, since the last century, have enacted for their country a collection of laws in various legislations along the lines of the systems in the European countries. They relied on European laws and copied from them constitutional, criminal, civil, commercial and other laws, and did not refer to the Islamic *Shari’ah* except for a small number of issues, like *Al-Waqf* [endowments] and *Al-Shoufab* [preemption].

It is right to say that most of these law texts conform to the texts of *Shari’ah* and do not violate its general principles.

But it is right to say too that some of these law texts are contrary to the rulings of the *Shari’ah* and are based on principles that contradict its principles. Some examples of

⁷ It was narrated by Ahmad from the hadith of Imran bin Husayn [RA] [20635], and checked by Sheikh Shuaib Al-Arna’oot in the documentation of “*Al-Misnad*”. [The publisher]

⁸ Narrated by Al-Bukhari [7257] from the hadith of Ali bin Abi Talib [RA]. [The publisher]

⁹ Narrated by Al-Bukhari [2955] and Muslim [1839] from the hadith of Ibn Omar [RA] in the words: “A Muslim has to listen and obey (the order of his ruler) whether he likes it or not, but when disobedience is commanded, then there is neither listening nor obeying.” [The publisher]

these are the penal law texts, because it permits adultery in most cases, as it permits drinking alcohol; the *Shari'ah* prohibits adultery and drinking alcohol in all circumstances, whereas European laws allow them in many circumstances, with the permission being restricted only to a certain extent.

The reason for transferring European laws to the Islamic countries:

Some people may think rulers in the Islamic countries brought the European laws because they did not find that the *Shari'ah* was an adequate source; but this is an erroneous conjecture based on blatant ignorance of the *Shari'ah*. The Islamic *Shari'ah* and jurisprudence have such a rich collection of principles, theories and rulings that it represents a prime example of legislation. I believe that had these Islamic laws and principles been put in place, non-Muslim countries would have transferred its rulings a generation ago, and neglected the legislation they have which they cherished.

The real reason for transferring the European laws to the Islamic countries is colonialism, European influence, and the restrictions on the Muslim scholars. In some Islamic countries to which the European laws have been transferred by the coloniser power and its authority, such as India and North Africa, the European laws were able to enter these Islamic countries due to the weakness of the country and the strength of the foreign influence on one hand, and due to its rulers trying to imitate the traditions of the European countries on the other hand. Examples of this category are Egypt and Turkey.

It has been historically proven that the European laws were transferred to Egypt during the reign of Khedive Ismail, although he wanted to lay down for Egypt a collection of legislative laws taken from the *Shari'ah* and the different schools of Islamic jurisprudence. He asked the scholars of Al-Azhar to arrange this, but they refused to respond to his request because doctrinal fanaticism prevented them from cooperating in manifesting the *Shari'ah* in its most beautiful form. As a result, they sacrificed all the *Shari'ah*, and each one clung to his school and intolerance, thereby wasting a golden opportunity for the Islamic world; they cried much for losing this opportunity, and they are entitled to keep crying over it until it returns.

I would like to note that some Islamic countries adopted the European laws to a certain extent although they never intended to violate the Islamic *Shari'ah*.

This is evident by the fact that the Egyptian Penal Law issued in 1883 stipulated in the first article thereof that:

“One of the characteristics of the government is that it punishes crimes committed against individuals due to the consequences of disturbing public rest, as well as the crimes that take place directly against the government. Accordingly, the different degrees of penalty that the rulers have determined do not breach any of the established rights allowed for everyone under the venerable *Shari'ah*.”

This text is taken from the Turkish law issued on 5/6/1858.

Likewise, according to my above analysis, I can say that:

In most Islamic countries, the rulers did not intend to violate the *Shari'ah*, neither in the past nor the recent present, but in spite of this, the laws came contradictory to the *Shari'ah*, although some were keen in preventing this contradiction. Perhaps the reason behind this is that the lawmakers were either Europeans who had no connection with the *Shari'ah*, or Muslims who studied the statutory laws but did not study the *Shari'ah*.

The effect of the statutory laws on the *Shari'ah* from an academic point of view:

The introduction of European laws in Islamic countries has resulted in creating special courts in those countries to implement these laws. These courts appointed European judges or national judges who had studied these laws but had not studied the *Shari'ah*. The new courts themselves considered that they were suitable for almost every situation; consequently, the *Shari'ah* was practically suspended because the new courts only applied their laws.

The governing authority on education also established education-based private schools to teach laws. These schools have focused on studying statutory laws and neglecting the *Shari'ah*, except for a few issues such as *Al-Waqf*. This led to a shameful result. Since that time, almost all the legal men, who are from the intellectual elite, have been utterly ignorant of the rulings of the Islamic *Shari'ah* and its general objectives; that is, unfortunately, they are ignorant of the rulings of Islam, which is the religion the Islamic countries embrace.

Ignorance of the *Shari'ah* led to an interpretation of the few texts taken from the *Shari'ah* in a way that is consistent

with the statutory laws and differs from the *Shari'ah*, in some cases.

One example of this is the Egyptian Penal Law which stipulates that the Penal Law rulings do not, in any way, prejudice the rights established for every person in the Islamic *Shari'ah*. Despite this explicit text being clearly stated in the law, Egyptian scholars did not study these rights as they exist in the *Shari'ah*; they were content to just study the rights recognised by the French law, studying it according to the view of the French commentators and explaining it according to the rules of the statutory law, whenever the French justify it.

The Egyptian commentators followed this way under the influence of two factors:

First, they had not studied the *Shari'ah* and did not know anything about its rulings and directives.

Second, they restricted themselves to opinions and attitudes of the European commentators in general, and the French in particular, only permitting what they allow and not prohibiting anything unless they forbid it; and European commentators do not, of course, know anything about the Islamic *Shari'ah*.

The effect of the law on the *Shari'ah* from a theoretical point of view:

Although the statutory laws practically led to the disruption of most of the Islamic *Shari'ah* rulings, these laws had no effect on the *Shari'ah* from the theoretical point of view; the texts of the *Shari'ah* are still valid and it is mandatory to apply its rulings in all cases. This is the case whenever the *Shari'ah* and law are combined; the basic

rule for the *Shari'ah* and any law is that texts are not abrogated except by texts which are as strong or stronger than them, i.e., texts issued by the same legislator or from a body that has legislation authority like the body that issued the texts to be abrogated, or from an institution which has more legislative authority than the authority that had issued the texts that need to be abolished.

The texts that can abrogate the *Shari'ah* must be a Qur'an or Sunnah text, so that it will be possible to abrogate what we have of the Qur'an and Sunnah. There is no other Qur'an after the Messenger (pbAbuh), when the revelation ceased, nor a Sunnah, as the Messenger (pbAbuh) is dead. It is not conceivable to say that what is issued from our human legislative bodies is at the same degree with the Qur'an and the Sunnah, or has the same legislative authority as that of Allah and the Messenger (pbAbuh). What can be said, which is the true case, is that our rulers do not have the right to legislate, but rather they have the right to implement and organise rulings in the manner we have shown previously. The right to legislate belongs only to Allah and the Messenger (pbAbuh), and its epoch ended with the Messenger's death and its details became arranged in a permanent form when the revelation ceased.

Law verdicts that contradict the *Shari'ah*:

If the rulings of statutory laws are incompatible with the *Shari'ah*, the rule of the *Shari'ah* should be applied instead of the rule of law. This is for three reasons:

First: the texts of the Islamic *Shari'ah* are still valid now and cannot be abrogated in any way, as we have indicated. As for the law texts, they can be abrogated. This means the *Shari'ah* texts are stronger than the law texts.

Second: the *Shari'ah* prerequisites the abrogation of all that contradicts it, and prevents people from obeying it, as we have explained previously. Therefore, the laws that are contrary to the *Shari'ah* are considered invalid in absolute terms, regarding the rulings that are contrary to the *Shari'ah*.

Third: the laws that contradict the *Shari'ah* do not fulfil their function as they violate the *Shari'ah*; and if a law does not fulfil its function, there is no purpose for its existence, and so it will be absolutely abrogated. This is what the rules of the statutory law itself stipulate.

How did the laws that violate the *Shari'ah* not fulfil their function?

The statutory laws were established to satisfy and organise the needs of the group, to protect its system, and spread reassurance and peace among its members. Among the group's most essential needs are the protection of its beliefs, feelings and order. In Islamic countries, the system of the group is based on Islam, and the majority of doctrines are based on Islam. Therefore, it was only natural for the laws there to be in conformity with the Islamic *Shari'ah*. However, the laws are not like this; they contradict the *Shari'ah*, as we have seen. Hence, the laws do not fulfil their function, not only on the terms of the *Shari'ah* but also according to the principles on which the law is based and the purposes that the rules of the law are laid down for; the statutory law is not based on well-known sources for Muslims and does not fulfil a legitimate purpose.

If we learn some facts about Islam and its rulings, it will be easy for us to understand how the laws enacted in Europe

please the group and spread reassurance and peace among its members, but those same laws in Islamic countries are the prime reason for the misery of the group, abusing their feelings and stirring anger in their hearts. It is the first and essential reason the majority are not content with these laws; rather, it is the first and essential point that kindles adversity and stirs up chaos.

-1-

Islam does not permit a Muslim to take a law from other than Allah's *Shari'ah*. All that is incompatible with the *Shari'ah* texts, its general principles or legislative spirit is strictly prohibited for a Muslim by the Qur'an, in explicit texts, where Allah divided the issue into two matters:

- Either to respond to Allah and the Messenger (pbAbuh) and abide by what the Messenger (pbAbuh) brought.
- Or follow one's passions and desires.

As all that the Messenger (pbAbuh) did not bring is only passion and desire.

Allah's saying explains, "*And if they do not answer you, then know that what they follow is their lusts. And who goes farther astray than the one who follows his lust without guidance from Allah. Lo! Allah does not guide wrong-doing folk*" [The Story, 28: 50].

And He says, "*And now have We set you [O Muhammad] on a clear way of [Our] commandment; so follow it, and do not follow the whims of those who do not know. Lo! they cannot avail you at all against Allah. And lo! as for the wrong-doers, some of them are friends of others; and Allah is the Protector of the righteous*" [Crouching, 45: 18, 19].

And His saying, “*Then verily We shall narrate to them [the event] with knowledge, for verily We were not absent, [when it came to pass]*” [The Heights, 7: 3].

-2-

Allah does not allow a believer to be content with a ruling other than Allah’s, or to judge by a ruling from other than Allah’s revelation. Rather, Allah commanded the believer to disbelieve in every judgment other than His judgment; He considered those who are content with other than His judgment to be far astray and to be following the Satan.

Allah says, “*Have you not seen those who pretend that they believe in that which is revealed to you and that which was revealed before you, how they would go for judgment [in their disputes] to false deities when they have been ordered to abjure them? Satan would mislead them far astray*” [Women, 4: 60].

Whoever takes recourse to a judgement other than what Allah has revealed and the Messenger (pbAbuh) brought, he takes recourse to a tyrant [*Taghout*] and has accepted a tyrant’s judgement. The tyrant is anything for which the slave has transgressed the limits in terms of what is worshipped, obeyed or followed. The tyrant of a folk is considered to be what they take recourse to besides Allah and His Messenger (pbAbuh), or they worship besides Him, or follow without any guidance from Allah, or obey with regard to what they have never heard of as being obedience to Allah. Therefore, whoever believes in Allah, he does not have the choice to put faith in others, nor can He accept any judgment other than His judgment.

-3-

Allah did not allow a believing man or a believing woman to choose for himself or agree for himself anything other than what Allah and His Messenger (pbAbuh) chose.

Allah's saying states, "*And it is not for a believing man or a believing woman, when Allah and His Messenger have decided an affair [for them], that they should [after that] claim any say in their affair*" [The Clans, 33: 36].

-4-

Allah commanded that any judgment has to be according to what Allah has revealed, and regarded those who do not judge with what Allah has revealed as being disbelievers, wrong-doers and defiantly disobedient.

Moreover, He says, "*Whoever does not judge by that which Allah has revealed: those are disbelievers*" [The Table Spread, 5: 44]. He says, "*Whoever does not judge by that which Allah has revealed: those are wrong-doers*" [The Table Spread, 5: 45]. He says, "*Whoever does not judge by that which Allah has revealed; those are defiantly disobedient*" [The Table Spread, 5: 47].

It is agreed upon among the interpreters and jurists that any Muslim who introduces rulings other than what Allah has revealed, and leaves all the rulings that Allah has revealed or some of them, not having any interpretation he believes to be valid, then what Almighty Allah said is true for them, each according to his condition.

Whoever refrains from ruling against theft, slander or adultery, for example, because he prefers another solution of the human beings, he is unquestionably a disbeliever.

Whoever does not judge by Allah's laws for another reason other than disbelief and denial of them, and if, in his judgement, a right was not fulfilled or justice or equality

was not observed, he is unjust and a wrong-doer; and other than this means he is defiantly disobedient.

-5-

Allah has denied the faith of the slaves until they make the Messenger (pbAbuh) judge regarding disputes they have among themselves and find within themselves no dislike or distress in their hearts over the ruling, and submit to it with full submission.

This is referred to in Allah's saying, "*But no, by your Lord, they will not believe [in truth] until they make you judge in the disputes between them and find inside themselves no dislike of that which you decide, and submit with full submission*" [Women, 4: 65].

-6-

Whatever contradicts with the *Shari'ah* is prohibited for the Muslims, even if it is ordered or permitted by the ruling authority. This is because the ruling body's right to legislate is restricted to the legislation that conforms to the texts of the *Shari'ah*, following its general principles and its legislative spirit. If the ruling body allows itself to go beyond these boundaries, then its decisions do not make any prohibition permissible, and it is not allowed for a Muslim to follow or implement them. In this case, it is the duty of every Muslim to disobey the laws and refrain from applying and implementing them, because obedience to the ruler is not absolute, but rather it is compulsory only within its limits according to what Allah and the Messenger (pbAbuh) have stated, as mentioned in His saying,

"O you who believe! Obey Allah and obey the Messenger and those of you [Muslims] who are in authority; and if you have a dispute

concerning any matter, refer it to Allah and the Messenger” [Women: 59]. And His saying, “*And in whatever you differ, the verdict in it belongs to Allah. This is my Lord, in Whom I put my trust, and to Whom I turn*” [Counsel, 42: 10].

The Sunnah also illustrated the limits of obedience:

Allah’s Messenger (pbAbuh) said, “There is no obedience to any creature in disobeying the Creator.”^[10]

And he (pbAbuh) said, “Obedience is only in good.”^[11]

He (pbAbuh) said about the rulers, “For any ruler who commands you to disobey [Allah], there is neither hearing nor obedience.”^[12]

The Prophet’s companions, the nation’s scholars, and its *mujtabids* (those qualified to interpret the law) have agreed that obedience to the ruler is not obligatory except for obedience to Allah. There is no disagreement among them that there is no obedience to a creature in disobeying the Creator or permitting the prohibited acts that are agreed upon, such as fornication, drunkenness, violation of Allah’s limits, twisting the rulings of the *Shari’ah* and legislating by what Allah did not permit; as this is blasphemy and apostasy. And it is obligatory to revolt against a Muslim ruler if he apostatises, and the lowest

^{10]} It was related by Ahmad from the hadith of Imran bin Husayn [RA] [20635] and checked by Sheikh Shuaib Al-Arna’oot in the documentation of “*Al-Misnad*”. [The publisher]

^{11]} Related by Al-Bukhari [7257] from the hadith of Ali bin Abi Talib [RA]. [The publisher]

^{12]} Related by Al-Bukhari [2955] and Muslim [1839] from the hadith of Ibn Omar [RA] in the words: “A Muslim has to listen and obey, whether he likes it or not, but when disobedience is commanded, then there is neither listening nor obeying.” [The publisher]

degree of revolt against the rulers is by disobeying their orders and prohibitions that are contrary to the *Shari'ah*.

-7-

The *Shari'ah* rulings are indivisible and cannot be separated; it is not permissible for a Muslim to be contented with some application of the *Shari'ah* rulings and neglect others. We have talked previously about this issue and its evidence.

These are some facts on Islam, and these are the texts of the Qur'an and Sunnah, and this is the attitude of a Muslim who understands and believes in Islam. This is what every Muslim should follow and work for, and any laws that were initially established to protect feelings and beliefs only fight and attack the Muslims if they contradict the Islamic *Shari'ah*. This is because it exhausts people by imposing conditions on them that violate the *Shari'ah*, conditions which Islam totally rejects.

Thus, we can realise from the above that the transfer of the "statutory laws" to Islamic countries makes them not fulfil their function, leads to the provocation of the people and offends the public sentiment. It also makes these laws a potent tool for sowing sedition and a successful means for spreading chaos and turmoil.

CHAPTER TWO

TO WHAT EXTENT DO MUSLIMS KNOW THEIR SHARI'AH

Muslims' knowledge about the Islamic *Shari'ah* differs according to the circumstances of the life of each of them and their culture.

They are divided into three groups, according to their knowledge of *Shari'ah*:

First: Uncultured group.

Second: European cultured group.

Third: Islamically cultured group.

We will talk about these groups as follows:

-1-

Uncultured group

It includes illiterates and individuals with simple culture which does not qualify them to understand what is presented to them by themselves and form a correct judgement. Those are entirely ignorant of the Islamic *Shari'ah*, except for superficial information related to worship. Most of them automatically

perform worship by imitating their fathers, brothers and sheikhs. It is rare to find among them one who depends on performing his worship based on his studies and information he has gained himself.

Most Muslims are counted in this group; their number is not less than 80 per cent of the total number of Muslims in the Islamic world. They are greatly influenced by the directives of the cultured, whether their culture is European or Islamic. However, they are led to what they consider to be related to Islam and to the directions of the Islamically cultured group, because they can understand these issues better than other issues. But they are incapable of realising the connection of different issues to Islam, so they are influenced by the directives of those who have received European culture.

It is easy for Islamic scholars to take complete control of this group and provide it with the correct direction, if they make them understand all the worldly affairs that are related to Islam.

And their faith will not be complete unless all worldly matters are dealt with and based on the true *Shari'ah*.

But scholars of Islam in most Islamic countries neglect this group and its large number of people, leaving them to be misguided in their ignorance. As a result, these uneducated masses deviate from Islam, while still believing that they are on the correct path although they are misguided. What misled them was

the silence of those who are in charge of Islam and their negligence in correctly calling people to Islam.

* * *

-2-

European cultured group

This group includes most of the educated people in Islamic countries, and most of them received an average culture. But a large number of them are well-cultured. Among this group are judges, lawyers, doctors, engineers, writers and those working in education, administration and politics.

This group has been cultured in the European way, and for this reason, they only know a little about the Islamic *Shari'ah*, similar to what the ordinary Muslim knows from the environment and milieu. Most of them know more about the worship of the Greeks and Romans and European laws and regulations than they know about Islam and the *Shari'ah*.

A few people from this group, in every country, have undertaken special studies in a branch of the *Shari'ah* or in one aspect of its issues, but it is only a limited study.

Most of these studies are often superficial; you will rarely find among this group one who understands the true spirit of the Islamic *Shari'ah* or thoroughly and correctly understands the meanings and foundations of the *Shari'ah*.

Those who are European cultured, who ignore Islam and Islamic *Shari'ah* to this extent and who control the Islamic nation, directing it in the earth, eastward and westward, are the ones who represent Islam and the Islamic nations in the international councils.

It is correct to say about these that despite most of them being ignorant of the Islamic *Shari'ah*, they are religious and profound believers. They perform their devotions according to the limits of their knowledge, and are willing to learn what they do not know. But they do not have the patience to refer to the *Shari'ah* books to be conversant of what they are ignorant of, and they are not accustomed to reading them, since research in *Shari'ah* books is not easy, except for those who have received much training in reading them, as it is composed in a way authors used to write a thousand years ago. These *Shari'ah* books are not tabulated in a way that makes it easy to benefit from, and it is not easy for those who like to know a particular issue to find its verdict at once. Instead, he has to read one or chapters until he finds what he wants.

The researcher may despair of finding what he wants, but then Allah will help him, and he will find it by chance in a place where he did not expect to find it.

The researcher may read the *Shari'ah* books, but not understand the real meaning because of his ignorance of legal terminology and fundamental principles on which jurisprudence schools are based. I know many who seriously tried to study *Shari'ah* but were unable to understand it; their minds became distracted and they lost their determination between the texts, annotations and footnotes.

If these had found books on the *Shari'ah* written in a modern way, they would have been able to study Islamic *Shari'ah* and would have benefited from them and benefited others.

The European cultured group has made strange claims about the *Shari'ah*, claims which are rather laughable.

Some claim Islam has nothing to do with governance and the state.

Some see Islam as a religion and a state, but they claim that the worldly rulings of the *Shari'ah* are not valid for the present era.

Some of them consider that the *Shari'ah* is valid for the current age, but they claim that some of its rulings were temporary, so they are not applicable today.

Some of them view that the *Shari'ah* is valid for the present era and their rulings are permanent, but they claim some of its rulings are not applicable, for fear of angering foreign countries.

Some argue that Islamic jurisprudence relies more on the jurists' opinions than the Qur'an and Sunnah.

These are their prevailing claims, but these allegations have no value because they are issued by people who are ignorant of the *Shari'ah*, and whoever does not know an issue, cannot judge it.

In reality, all these allegations are a result of two factors:

First: Their ignorance of the *Shari'ah*.

Second: They have been influenced by European culture and education, and their attempt to apply their information about the statutory laws on the Islamic *Shari'ah*. And there is no evidence better for the falseness of these allegations than the contradiction of those who make them.

Moreover, what some claim is invalidated by others, and what some hold true is destroyed by others.

We will deal with these allegations below, one-by-one, and show their unjustifiability, with Allah's assistance.

First: The claim that Islam is not related to governance

Some of the European cultured claim that Islam is a religion, and religion is a relationship between man

and his Lord; it has no connection with governance and the state. But if you ask them, “Where is this idea in the Qur’an and Sunnah,” they become stunned and cannot give an answer. This is because they have no knowledge to support their claim except what they have studied in their European culture and education, learning ideas stemming from the fact that European systems are based on the separation between Church and state. They were influenced by this study, so they presume what they have learned applies to every country and to every system.

Nevertheless, if they understood the case properly, they would have realised that the regimes that rely on statutory laws and the European culture are not a valid argument in this matter; the irrefutable argument has to be found in the Islamic system itself.

If this system separates religion from the life of this world, then their claim would be correct. But if the Islamic system combines religion and the life of this world, worship and leadership, embracing the mosque and state, their claim would be false, a slander and a fabrication.

* * *

Some years ago, an assembly organized a gathering for me with some young men who had completed their legal studies in Egypt. The conversation dealt with Islam, the *Shari’ah*, and Islam and governance. I noticed they believed that Islam has nothing to do

with affairs of governance and state, so I began to show them the error of this belief.

I criticised them, being men of law, for considering Islam as not involving both the religion and state without giving any evidence from Islam itself.

But one of them interrupted me by saying, “Give us a text from the Qur’an, and only the Qur’an, that indicates that Islam combines religion and state.”

I understood what he was asking.

I said, “Do you not accept any text from the *Sunnah*?”

He said, “No, the Qur’an is the constitution of Islam.”

I looked at his colleagues and I noticed that they agreed with him. I was astonished by these young men, who have the most profound faith in the Qur’an but are the most ignorant people of the Qur’an. I was grieved by those Muslims whose ignorance of the Qur’an motivated them to deny the most two apparent rulings of the Qur’an:

The first: Islam combines religion and state.

The second: the pure Sunnah is a proof for and against every Muslim man and Muslim woman, just as the Qur’an is a proof for and against every Muslim man and Muslim woman.

These young Muslims who believe in the Qur’an are ignorant of the fact that the Qur’an stipulated the punishment of the murderer, those who attack others,

thief, adulterer and slanderer in Allah's saying, "*O you who believe! Retaliation is prescribed for you in the matter of the murdered*" [The Cow, 2: 178].

And His saying, "*It is not for a believer to kill a believer unless [it be] by mistake. The one who has killed a believer by mistake must set free a believing slave and pay the blood-money to the family of the killed*" [Women, 4: 92].

And His saying, "*Indeed, the penalty of those who make war on Allah and His Messenger and strive [to cause] corruption in the earth will be that they will be killed or crucified, or have their hands and feet on alternate sides cut off, or will be expelled out of the land*" [The Table Spread, 5: 33].

And His saying, "*As for the thief, both male and female, cut off their hands*" [The Table Spread, 5: 38].

And His saying, "*The adulterer [unmarried and previously not married] and the adulteress [unmarried and previously not married], lash each one of them [with] a hundred stripes*" [Light, 24: 2].

And His saying, "*And those who accuse honourable women but do not bring four witnesses, lash them [with] eighty stripes*" [Light, 24: 4].

Many texts prohibit a wide range of crimes, either by specific penalties, such as the penalty for apostasy against the religion and state, or *Ta'zir* penalties which are not specific, such as the penalty for insulting and breaching trusts.

These are crimes the Qur'an has prohibited, and those are the penalties the Quran has imposed. Prohibition of crimes and imposition of penalties is a matter of governance, not from the issues of religion, as they think.

If Islam does not combine religion and state, it would not have come with these texts and their implementation. Therefore, Allah made it obligatory for the people to establish a government and state ensuring the execution of these texts and their establishment, regardless of what other rules may have been prescribed for them.

Moreover, the Qur'an obligates that rulings should be laid down through consultation, so Allah says, "*And whose affairs are a matter of counsel*" [Counsel, 42: 38].

He says, "*And consults with them on the conduct of affairs*" [The Family of 'Imran, 3: 159].

The establishment of the *Shura* [consultative] ruling requires the establishment of an Islamic government and Islamic state. If Islam separates religion and state, it will not mention the details of the government and what it should be like.

Qur'an stipulates that judging between people has to be with justice, according to what Allah revealed in His saying, "*Lo! Allah commands you that you restore deposits to their owners, and if you judge between people, that you judge justly. Lo! comely is this [advice] with which Allah*

admonishes you. Lo! Allah is ever the Hearer, the Seer" [Women, 4: 58].

He says, *"So judge between them by that which Allah has revealed"* [The Spread Table, 5: 49].

He says, *"Whoever does not judge by that which Allah has revealed: those are disbelievers"* [The Spread Table, 5: 44].

Enacting rulings between people is one of the most critical roles of the state, but the Qur'an has combined governance and religion, and it is obligatory for the state to be governed based on the rules stated in Islam.

The Qur'an orders to enjoin right conduct and forbid indecency in Allah's saying, *"And there may spring from you a nation inviting to [all that is] good, and enjoining right conduct and forbidding indecency"* [The Family of Imran, 3: 104].

"Right" is all that the *Shari'ah* has commanded, and "indecency" is all that it has prohibited. So if it is obligatory for Muslim individuals and groups to call others to establish what Islam has commanded to establish and prevent what Islam has prohibited, then the state must be Islamic. In fact, one cannot claim otherwise unless the meanings of the Qur'an texts are twisted. Thus, the Qur'an combines the affairs of religion with the issues of this world.

The Qur'an combines religion and this world in different separate texts and in one specific text.

It is possible for the researcher to find single texts that deal with the affairs of religion, ethics and worldly affairs, combining them all together.

Examples of this include Allah's saying, "*Say: Come, I will recite to you that which your Lord has prohibited to you: [He commands] that you do not associate anything with Him and that you do good to parents, and that you do not kill your children because of poverty—We provide for you and for them—and that you do not draw near to immoralities, whether open or concealed. And that you do not kill the soul for which Allah has made life sacred, except in the course of justice. He has commanded you this, in order that you may remember*" [Cattle, 6: 151].

This one text prohibits polytheism, disobedience to parents, murder and every outrageous crime, both hidden and apparent; this is an evident combining of religion and the life of this world.

The Qur'an compels the state to establish the matters of religion and this world based on the Qur'an.

For example, Allah's saying, "*Those who, if We give them power in the land, establish prayer and pay the poor-due and enjoin the right and forbid what is wrong*" [The Pilgrimage, 22: 41].

This text is decisive that the ideal state makes its subjects establish prayer and give Zakat, and also establishes what Allah has commanded to be established and bans what He has prohibited. Moreover, this text necessitates that the state is an

Islamic religious one, and governance and politics are dealt with based on Islam.

The Qur'an came with many texts, for which there is not enough space to mention all of them here, that are related to internal turmoils, international disputes, peace and war, treaties, transactions and personal affairs. Furthermore, the Qur'an mandated from the wealth of the rich a right for the poor. Moreover, from the public treasury [*Bait Al-Maa*], there are rights for the orphans, the destitute and the wayfarer.

The Qur'an did not ignore anything from the affairs of this world; it brought the ruling for all of them. And it did not ignore any of the matters of worship, acts and beliefs; it brought the ruling for all of these too.

Islam established the affairs of the life of this world on religion and morals.

Islam took religion and morals as a means to regulate state affairs and direct the ruled and the rulers; this is the meaning of combining religion and state. It even reached the extent that the state in Islam became the religion, and the religion became the state.

These young Muslims who believe only in the Qur'an are unaware that the Qur'an made the Messenger (pbAbuh) and his actions binding legislation for the Muslims.

And He obligated them to obey him and do what he (pbAbuh) commanded them to do. This is the case

even if it was not stated in a text in the Qur'an, because the Messenger (pbAbuh) did not speak from his own desires; he said only what is revealed to him by his Lord, "*Nor does he speak of [his own] desire. It is nothing but a revelation revealed*" [The Star, 53: 3–4]

The texts that referred to obedience to the Messenger (pbAbuh) and responding to his orders are many. For example, Allah's saying, "*O you who believe! Obey Allah and obey the Messenger*" [Women, 4: 59] and [Muhammad, 47: 33].

And His saying, "*Whoever obeys the Messenger obeys Allah*" [Women, 4: 80].

And His saying, "*Say, [O Muhammad, to mankind], 'If you love Allah, follow me; Allah will love you'*" [The Family of Imrân, 3: 31].

And His saying, "*And whatever the Messenger gives you, take it. And whatever he forbids, abstain [from it]*" [Exile, 59: 7].

And His saying, "*But no, by your Lord, they will not believe [in truth] until they make you judge in the disputes between them and find inside themselves no dislike of that which you decide, and submit with full submission*" [Women, 4: 65].

And He says, "*Verily, in the Messenger of Allah you have a good example for him whose hope is in Allah and the Last Day, and remembers Allah much*" [The Clans, 33: 21].

Second: the claim that the *Shari'ah* is not valid for the present age

Some European educated intellectuals claim that the *Shari'ah* is not valid in the current era. Nonetheless, they do not justify this claim. If they had mentioned only one specific principle or group of principles that are not valid for the present time, and they clarified the reason for this statement, their claim would have some value; it could have been discussed and the error of their sayings could have been revealed. However, claiming that all the *Shari'ah* is not valid for the present age and not supporting their saying with even one piece of evidence is a strange assertion from people with intellectual minds. In fact, if we realise that they had made this claim and they were the most ignorant of the *Shari'ah*, it is permissible for us to say that their claim is based on ignorance and slander.

The validity of the law determines the validity of its principles. And there is no single principle in *Shari'ah* that can be stigmatised as being invalid.

If we review a range of the most important principles on which the Islamic *Shari'ah* is based, we will realise how far the ignorance and allegation of some Muslims have reached.

Islamic *Shari'ah* decides the principle of “equality” between people, without any restriction or condition. This is mentioned in Allah’s saying, “O mankind! Lo! We have created you male and female, and have made you nations and tribes that you may know one another. Lo! the noblest of you, in the sight of Allah, is the most righteous” [The Private Apartments, 49: 13].

The Messenger (pbAbuh) said, “People are equal, like the teeth in a comb. No Arab excels over a non-Arab except by piety.” ^[13]

The *Shari’ah* stated this principle more than fourteen centuries ago, while statutory laws, which the ignorant people are proud of, did not lay down this principle except in the late eighteenth century, and most of the European countries and the United States still apply this principle in a restrictive way.

From the day it was revealed, the *Shari’ah* established the principle of “freedom” in its most splendid manifestations, freedom of thought, belief and speech, with the texts in this respect being many, for example, Allah’s saying, “*Say, Behold what is in the heavens and the earth!*” [Jonah, 10: 101].

¹³] Ibn Uday included it in “*Al-Kamil fi Al-Doa’ifa*” [3/248] with the words: “People are like the teeth of the comb, but rather they differ in [their state of] well-being...”, in which Suleiman bin Amr used to fabricate the hadith. Ibn Al-Jawzi included it in *Al-Mandoua’at* 3/80, and Al-Albany mentioned it in “*Al-Salsalah Al-Da’e’fa*” 596. He said, “It is very weak,” and Al-Ajlouni attributed it in “*Kashaf Al-Khafa*” to Al-Dailami, but he did not mention its chain of transmission, with the wording: “People are equal as the teeth of the comb; no one has any favour over anyone except by piety in Allah.” It is sufficient in explaining it that the hadith is related only by Al-Dailami... and according to Al-Bayhaqi, as Al-Manzari attributed to him in “*Al-Targheeb wa Al-Tareeh*”, and Al-Albani checked it in “*Sahih Al-Targheeb wa Al-Tareeh*” 3/135, No. [2964], on the authority of Jabir, [RA] from the Prophet [pbAbuh], who said, “There is no preference for an Arab over an *Ajami* (non-Arab), nor an *Ajami* over an Arab, nor a red over a black, nor a black over a red, except by piety. The most honourable among you with Allah (Exalted and Glorified be He) is the most pious.” [The publisher]

And His saying, “*But none remember except men of understanding*” [The Cow, 2: 269].

And His saying, “*There is no compulsion in religion*” [The Cow, 2: 256].

And His saying, “*And there may spring from you a nation inviting to [all that is] good, and enjoining right conduct and forbidding indecency*” [The Family of Imran, 3:104].

The statutory laws did not know the principle of freedom with its three divisions until after the French Revolution.

But the ignorant people do not attribute the virtues of the *Shari’ah* to the *Shari’ah* itself; they claimed them to the statutory laws instead.

Furthermore, the principle of absolute “justice” is one of the principles upon which the Islamic *Shari’ah* is founded.

And this is mentioned in Allah’s saying, “*And if you judge between people, that you judge justly*” [Women, 4: 58].

And His saying, “*O you who believe! Be steadfast witnesses for Allah in equity, and let not hatred of any people prevent you from being just. Deal justly, that is nearer to piety. Fear Allah. Lo! Allah is Well-Acquainted with what you do*” [The Spread Table, 5: 8].

And His saying, “*So do not follow [personal] inclinations lest you are not just*” [Women, 4: 135].

The principle of absolute “justice” that the *Shari’ah* came with from the day it was revealed was not

known to the statutory laws except at the start of the late eighteenth century.

These are three principles on which modern statutory laws are established. The *Shari'ah* established them more than eleven centuries before the laws. How can the laws be valid for the present age and the *Shari'ah* is not valid when it is based on the same principles?!

The Islamic *Shari'ah* came with the principle of "*Shura*" [counsel] from the day it was revealed. That is stated in Allah's saying, "*And whose affairs are a matter of counsel*" [Counsel, 42: 38].

And His saying, "*Consult with them on the conduct of affairs*" [The Family of Imran: 159].

The Islamic *Shari'ah* preceded the statutory laws by eleven centuries in determining this principle, except for the English law, which accepted this principle ten centuries after the *Shari'ah*.

When the statutory laws laid down the principle of *Shura*, it did not introduce anything new; it only arrived at a conclusion which the Islamic *Shari'ah* was based on from the time it was laid down.

The Islamic *Shari'ah* came, from the day it was first revealed, restricting the ruler's authority. The ruler is considered a deputy of the *Ummah* [nation], and he is responsible for his aggression and mistakes. The *Shari'ah* applies, to both the ruler and the ruled, the same status. The ruler is bound, with regard to his actions, by what all the *Shari'ah* brought; he has no

advantage over the ruled. This is due to the implementation of the principle of equality.

The *Shari'ah* came with these principles, upon which modern governments are based, more than eleven centuries before the statutory laws knew them, so how can it be said that the *Shari'ah* is not valid for the present time.

The Islamic *Shari'ah* was sent down prohibiting alcohol and legalising divorce, as mentioned in Allah's saying, "*O you who believe! Intoxicating liquor and gambling and [sacrificing on] stone alters [to other than Allah] and divining arrows are only an infamy of Satan's handiwork. Avoid such [infamy]*" [The Table Spread, 5: 90].

And His saying, "*Divorce is twice and then [a woman] must be retained in honour or released in kindness*" [The Cow, 2: 229].

The statutory laws did not prohibit alcohol and make divorce permissible except in this century. Some laws absolutely prohibit alcohol and some partially prohibit it, some permit divorce without any restriction and some restrict it. Therefore, how can the laws that took from *Shari'ah* be valid, and *Shari'ah* is not valid?

The Islamic *Shari'ah* is the first law that came with the "*Theory of Social Cooperation*" and the "*Theory of Social Solidarity*".

These are stated in Allah's saying, "*But help one another to [do] righteousness and pious deeds. Do not help one another to [do] sin and transgression*" [The Table Spread, 5: 2].

And His saying, “*And in whose wealth there is a right acknowledged. For the needy [who asks] and the destitute*” [The Ascending Stairway, 70: 24–25].

And His saying, “*Take alms from their wealth, with which you purify them and sanctify them*” [Repentance, 9: 103].

And He says, “*The alms are only for the poor and the needy, and those who collect them, and those whose hearts are to be reconciled, and to free the captives and the debtors, and for the cause of Allah, and [for] the wayfarers; a duty imposed by Allah. Allah is the Knower, Wise*” [Repentance, 9: 60].

And His saying, “*That which Allah gives as spoil to His Messenger from the people of the townships, it is for Allah and His Messenger and for the near of kin and the orphans and the needy and the wayfarer, that it does not become a commodity between the rich among you*” [Exile, 59: 7].

The *Shari’ah* knew these two theories fourteen centuries ago, and the non-Muslim world knew them only during this century, and applied them only to a limited extent.

The *Shari’ah* prohibits monopoly, exploitation of influence, and bribery; the Messenger (pbAbuh) said, “No one monopolises except a sinner.”^{14]}

And Allah’s saying, “*And do not eat up your property among yourselves in vanity, or seek by it [in bribery] to gain the hearing of the judges that you may knowingly devour a portion of the property of others wrongfully*” [The Cow, 2 188].

^{14]} Narrated by Muslim in the book of sales “*Al-Bay’*”: “The Prohibition of Monopoly on Food”, No. [1605]. [The Publisher]

But the statutory laws have just recently learned about these principles.

The *Shari'ah* is founded on the prohibition of immoralities, whatever is apparent of them and whatever is hidden, as well as the ban of sinning and being aggressive without right.

Allah's saying states, "*Say, My Lord forbids only indecencies, those that are apparent and those that are inward, and sin and wrongful oppression, and that you associate with Allah that for which no authority has been sent down, and that you say concerning Allah that which you do not know*" [The Heights, 7: 33].

The *Shari'ah* is based on inviting people to [all that is] good, and enjoining right conduct and forbidding vice.

This is stated in His saying, "*And there may spring from you a nation inviting to [all that is] good, and enjoining right conduct and forbidding indecency*" [The Family of Imran, 3: 104].

These principles the *Shari'ah* is based on are the ideals that people aspire to reach and humanity dreams of, so how can *Shari'ah* be not suitable for an age that sees these principles as its highest ideals!

If we followed the human, social and legal principles that this age defines, and whose sons are proud of, we would find that all of them, one by one, have been prescribed in the Islamic *Shari'ah*, in the best of forms and aspects. If it were not that the article would

become too long, I would mention another set of principles and texts.

Thus, it is evident that the claim that the *Shari'ah* is invalid is a claim based on ignorance of the *Shari'ah*, and there is also nothing that supports it from tangible reality. Perhaps the only reason the owners of this claim believe such an allegation is that they have learned that the old statutory laws were based on outdated principles that the present age rejects. They consider this saying as a fast rule that can be applied on the *Shari'ah* as the *Shari'ah* can be described as being old, but they did not contemplate on the differences between the *Shari'ah* and laws which we have stated above.

Third: The claim that some of the *Shari'ah* rulings are temporary:

Some of the European cultured see that the *Shari'ah* is suitable for the present age; but view that some of its rulings are temporary. They are referring to some criminal rulings, especially penalties for which there is no similar ruling in the statutory laws, such as stoning and cutting off the hand. But when you ask them for evidence for their claim, they do not give you any evidence; they only rely on guessing, which cannot replace the truth.

They do not see a similar ruling in the statutory laws to some of the penalties in the *Shari'ah*, so they try to get rid of these rulings with this claim. However, if the laws adopt these punishments tomorrow, they

would abandon their guessing! They would then say they are permanent rulings.

If these Muslims understood the true nature of Islam, they would not have made such a claim. For the rulings of Islam are permanent, and not temporary. What was not abrogated from them before the Messenger's death will not be abrogated until the Day of Resurrection. The Qur'an stated before the Messenger's death that the edifice of religion had been established, and that it would no longer be subject to addition or abrogation.

This is stated in His saying, "*This day I have perfected your religion for you and completed My favour to you, and have approved for you Al-Islâm as the religion*" [The Table Spread, 5: 3].

Do these Muslims not know that if it is permissible to limit some of the rulings to a particular time, then it will be permissible for other rulings too. And if it were left to everyone to rule according to his desires, then Islam would have been abolished.

Fourth: The claim that some rulings cannot be applied

The owners of this claim contradict those who preceded them, and they see all the rulings of *Shari'ah* are permanent and applicable, but they see that some of the penalties of the *Shari'ah*, which are cutting off the hand and stoning, cannot be applied today. This is due to the weakness of the Islamic states and the

presence of a number of foreigners in their countries. They do not accept that these penalties be applied on them. Those who hold this view do not want to apply the *Shari'ah* for fear of annoying foreign countries.

This opinion does not agree with Islam, for Allah (Glorified be He) says, *“So do not fear mankind, but fear Me. And do not exchange My verses for a little gain. Whoever does not judge by that which Allah has revealed: those are disbelievers”* [The Table Spread, 5: 44].

For those who hold this opinion, we say: Many scholars do not think it is necessary to implement stoning or cutting the hands on a foreigner if he commits adultery or steals, and there is nothing that is contrary to this opinion.

We would like to draw your attention, on this occasion, to the fact that the penalty of stoning is almost symbolic; it is difficult to prove adultery, which is proven by the testimony of witnesses, and all the crimes that received stoning at the time of the Prophet (pbAbuh) and Caliphs [RA] were proven by confession, not by testimonies. This is because adultery can only be established by these two ways, and four righteous men, who witness the state of intercourse, are required for the testimony. Such a situation is very rare, just as there is no one today whose faith is strong enough to make him confess of committing adultery, insisting he performed it, for the penalty to be applied on him.

Fifth: the claim that the Islamic jurisprudence refers to opinions of Islamic jurists

Some of the European cultured believe that most of the Islamic jurisprudence is an innovation of the jurists. However, when a person presents to them an Islamic jurisprudence theory which the scholars of the statutory law did not know until recently, they become surprised that the Islamic jurists formulated, in the seventh and eighth centuries AC, what the legal scholars did not formulate until the nineteenth and twentieth centuries.

Once, some of them said to me, “We believe that the imams of the schools of jurisprudence were highly advanced, more than the normal level of humans, because they managed, on their own, to precede human thought by fourteen centuries.”

There is no doubt that those who think Islamic jurisprudence is an innovation of Islamic jurists and think that the jurists have come up with ideas, on their own, before any other humans are mistaken. The correct view is that, in spite of the men of Islamic jurisprudence being broad in their horizons and quality of thinking, they did not invent any laws. They were not that advanced to be above the intellectual level of humans. They just noticed that the *Shari'ah* is rich in theories and principles, and they explained these principles and presented those theories to others; they did not do anything more than what every jurist and *Mujtahid* do. They tried to collect

every ruling under the theory it entails and under the principle that applies to it. And if there was any innovation or any new ideas that came before humans thought of them, it is the innovation included in the *Shari'ah* that preceded the thought of humans and came with the most eminent of theories to direct humans towards supremacy and perfection and to raise them to the refined level of the *Shari'ah*.

The jurists did not invent the theory of absolute equality, or the theory of enhanced freedom, or the theory of comprehensive justice, but the jurists learnt them from the texts of the Qur'an and Sunnah that mention them, which we will not state again as we have previously presented them.

The jurists did not create the theory of *Shura*, or the theory of restricting the ruler's authority and considering him as a deputy for the nation, or the theory of the ruler being held responsible for his mistakes and aggressive acts. The jurists did not create the theory of prohibiting alcohol, or the theory of permitting divorce, but rather, scholars knew these theories from the texts of the Qur'an and Sunnah. We have presented these texts previously.

The jurists are not the ones who stipulated the writing of civil obligations, and relying on the testimony of witnesses for proof in commercial articles. Rather, it is the following text of the Qur'an, "*O you who believe! When you contract a debt for a fixed term, record it in writing*" [The Cow, 2: 282].

And His saying, “*Be not averse to writing down [the contract] whether it is small or great, with [the record of] the term of it*” [The Cow, 2: 282].

And His saying, “*Except only in the case when it is actual merchandise which you transfer among yourselves from hand to hand. In that case, there is no sin for you if you do not write it*” [The Cow, 2: 282].

The jurists did not establish the theory of the invalidity of compliance contracts and the theory of the obligor’s right to dictate the terms of the contract, but it is the Qur’an which stipulated all these, in Allah’s saying,

“*And let him who incurs the debt dictate, and let him observe his duty to Allah his Lord, and diminish nothing of it. But if the one who owes the debt is of low understanding, or weak, or unable himself to dictate, then let the guardian of his interests dictate in [terms of] equity*” [The Cow, 2: 282].

The jurists did not invent what they call the theory of emergency, what we call in legal circles the theory of changing circumstances, but the jurists took the theory from the texts of the Qur’an, from Allah’s saying, “*Allah does not task a soul beyond its scope*” [The Cow, 2: 282].

And His saying, “*And [He] has not laid upon you in religion any hardship*” [The Pilgrimage, 22: 78].

And His saying, “*When He has explained to you that which is forbidden to you, unless you are compelled to do so*” [Cattle, 6: 119].

And the jurists did not put forward the theory of exemption of the compelled and distressed.

Instead, the *Shari'ah* brought the theory in Allah's saying, "*Except him who is forced to it and whose heart is still content with Faith*" [The Bee, 16: 106].

And His saying, "*But the one who is driven by necessity, neither craving nor transgressing, there is no sin for him*" [The Cow, 2:173].

Allah's Messenger (pbAbuh) said, "My nation has been exempted from error and forgetfulness, and what they have been compelled to do."^[15]

The jurists did not come up with the theory of "exempting the minor, insane and sleeper from punishment." Rather, the Messenger (pbAbuh) said, "The pen has been lifted from three, the child until he attains puberty, and the sleeping until he wakes, and the insane till he recovers."^[16]

The jurists did not come up with the theory of establishing punishment. Rather, the Qur'an says,

¹⁵ [] It was documented by Ibn Hibban in his "*Sahih*" No. [7219], Al-Hakim in "*Mostadrak*" No. [2817] and Ibn Majah No. [2045] from the hadith of Ibn Abbas that the Messenger of Allah [pbAbuh] said, "Allah has pardoned for my nation for error and forgetfulness, and what they have been compelled to do," and Al-Nawawi says it is *hasan* in the book of forty hadiths, hadith thirty-ninth. [The publisher]

¹⁶ [] Related by Abu Dawoud No. [4398], and Al-Nasa'i in "*Al-Mujtaba*" No. [3432], Al-Nasa'i in *Al-Kubra* No. [5596] and Ibn Majah No. [2041]. [The publisher]

“Nor does any laden [soul] bear another’s load” [Cattle, 6: 164].^[17]

The Messenger (pbAbuh) said, “... and a man will not be punished for the crime of his father or the crime of his brother.”^[18]

Whereas, he (pbAbuh) said to Abu Ramtha and his son, “He will not carry your burdens (sins), and you will not carry his burdens.”^[19]

The jurists are not the ones who differentiated between the rulings for deliberate acts and rulings for errors, but it is the Qur’an that says, *“It is not for a believer to kill a believer unless [it be] by mistake. The one who has killed a believer by mistake must set free a believing slave and pay the blood-money to the family of the killed”* [Women, 4: 92].

And Allah’s saying, *“O you who believe! Retaliation is prescribed for you in the matter of the murdered”* [The Cow, 2: 178].

And He says, *“And there is no blame upon you for that in which you have erred, but [only for] what your hearts intended”* [The Clans, 33: 5].

¹⁷ [Al-An’aam, 164], [Al-Isra, 15], [Al-Fater, 18], [Al-Zumar: 7]

¹⁸ It was included by Al-Nasa’i in *“Al-Mujtaba”* No: [4138, 4139, 4140], Al-Nasa’i in *“Al-Kubra”* No. [3579, 3580, 3581] and Ahmad No. [3892] from the hadith of Ibn Masoud, who said, “The Messenger of Allah [pbAbuh] said, ‘Do not become disbelievers after me, who strike each other’s neck....’” [The publisher]

¹⁹ Related by Abu Dawud, No. [4208, 4495], Al-Nasa’i in *Al-Mujtaba* No. 4847. 5098 and al-Nasa’i in *“Al-Kubra”* No. [7007, 9303]. [The publisher]

Thus, there is no theory or general principle which does not have a text from the Qur'an or the Sunnah which has introduced it. The jurists did not do anything but explain the theory or principle and clarify the conditions needed to apply each theory or principle, as well as what rulings can be placed under each one. They restricted themselves to those *Shari'ah* law texts, its general principles and the legislative spirit.

However, the jurists, despite this, exerted great efforts in classifying the branches and details under the appropriate theories and principles, explaining what rulings apply to them because the *Shari'ah*, as mentioned before, did not come with detailed texts that govern the branches and details in all aspects.

This is what happened in reality and this is the truth with regard to the claim that Islamic jurisprudence was an innovation of the jurists.

Perhaps the claimants made a mistake, because they assessed the jurisprudence of the *Shari'ah* in the same way they assessed the jurisprudence of the law, for which all provisions of the law are devised by legal scholars before they become binding provisions and before the legislation comes into force.

In my opinion, these gentlemen should read some texts of the *Al-Zabiriyah* [literalists] school, as these jurists considered that only the Qur'an, Sunnah and consensus were sources of the *Shari'ah*; they do not approve of *qiyas* [analogy] or other sources, like the

Companion's school. Although *Al-Zahiriyah* did not accept *Al-hadith Al-Mursalah*, they were able to find every ruling, principle and theory from explicit texts in the Qur'an or the authentic Sunnah. It is thought that this alone is sufficient for these gentlemen to be convinced of the mistake of their belief about Islamic jurisprudence.

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Islamically cultured group

This group includes highly Islamically cultured individuals and those who are just beneath them. Their number is not small, even if they are a minority in proportion to the European cultured.

This group has a significant influence on the Islamic peoples and what these peoples know in connection to Islam, but this group does not have any share of the ruling authority; the men in this group are only interested in the tasks of preaching, imamate and teaching. They may take positions in the judiciary, but they are not allowed to judge except in matters concerning personal affairs.

Before the European law entered the Islamic countries, this group had all the authority, but after the statutory law entered the country, they were restricted to a narrow circle due to the new situation,

and their jurisdiction disappeared little by little, until all their authority ceased to exist. And this status endured until they became used to it and most of them remained silent towards it, not because they accepted or complied with it, but because they were powerless, left to withstand the status quo. This people in this group, and the Muslims in general, consider this group to be responsible for Islam, because they are the Muslims who are the most knowledgeable about the rulings of Islam. Its men are better able to defend it. However, some view that events have proven that this group has failed, more than once, to defend Islam. Its lack of power caused the European laws to enter the Muslim countries and become established in the land of Islam, leading to the disruption of the Islamic *Shari'ah*. A generation passed until a new generation came which was ignorant of everything about the *Shari'ah*, except for matters concerning worship and personal affairs, and the ignorant even thought that the laws which are applied are the rulings of Islam, or what Islam does not reject. According to the European cultured, Islam is a religion, not a state, that is, Islam is not a valid system to rule the people with, and none are knowledgeable about the *Shari'ah* except the Islamic scholars.

It is not shameful for the Muslim scholars to be unable to defend Islam once or even many times, with the natural and logical results that this inability leads to, what is disgraceful is if they do not exert enough

effort and time to defend Islam. However, there is no doubt that they devoted all their efforts and time in this way, but circumstances were not favourable.

There is no doubt that they still devote all their energy and time in their continuous struggle; and they hope that they will be triumphant and dominant.

In the Islamic countries today, a cultured generation has an evident Islamic culture that is keen to return to Islam what it has lost. It is not affected, with regard to the truth, by the blame of any reproacher. There is no fault in them except that they have been influenced by their predecessors to a great extent in some directions, where they spend most of their efforts in their devotions and preaching; but if they spend most of their efforts in reminding Muslims of their disrupted *Shari'ah*, and their anti-*Shari'ah* laws, and the ruling of Islam about them, it would have been good for them and Islam. They would have saved for themselves the hardship of *Jihad* and the lengthy struggle. The countries that rule some Muslims are democratic. It is sufficient for most people to embrace a specific idea for this idea to soon become a workable truth.

This generation continues its efforts in calling others to Islam and establishing its laws and rituals. This new generation uses methods that help to persuade the illiterate and educate them, but they do not contribute to convincing the European cultured, who dominate the public life with their governance and the authority

they have in the land of Islam. It should have been a priority for the scholars of Islam to make an effort to persuade and educate this team about what they are ignorant of in the rulings of Islam. If these people knew the true Islam, they would have been the best ambassadors and preachers of Islam.

I would like the Muslim scholars to explain to the European cultured intellectuals, in every situation and every time, to what extent the European laws disrupted Islam and the rulings of Islam for those who applied and executed these laws. The European cultured intellectuals are Muslims who are ignorant of the true Islam, but they are willing to learn what they are ignorant about in Islam.

I would like the scholars of Islam to educate the European cultured intellectuals to study the *Shari'ah* and erudite its principles and theories, and to what extent it is superior over the statutory laws. Scholars of Islam can do this either by forming committees made up of men following different jurisprudential schools, with each committee collecting the essential books in every school and putting them together as one book written in the modern language, and organised and indexed in a thorough way. They could also write books in the contemporary language and layout, with Islamic legislation articles being presented in an exciting way and comparing different Islamic schools: a book on sales, another on rent, a third on companies, fourth on bankruptcy, and the like.

I would like the scholars of Islam to demonstrate to the rulers and men of the legislative board the ruling of Islam about the laws that contradict Islam and those who enacted and executed them. All these are Muslims who hate deviating even the width of a hair from Islam, but they are ignorant of the rulings of Islam.

I would like the scholars of Islam to work to ensure no new law is enacted except under their supervision and after their consultation, so that no new legislation is issued contrary to Islam.

O scholars of Islam!, the only flaw in all the countries of Islam is the ignorance of the rulings of Islam on the part of those who control the countries and the ignorance of the Muslim masses about the rulings of Islam. And the only way to restore this situation is to teach the people Islam, each in the way he is used to and familiar with, and for no Muslim to refrain from learning what he is ignorant of from the rulings of his religion.

Finally, when I accuse the European cultured intellectuals with ignorance of Islam, I do not mean to diminish their status, but just to acknowledge what the situation is in real life. And I used to be just like them. Before I studied the *Shari'ah*, I was, like them, ignorant of the *Shari'ah*, and I remained ignorant of it until Allah wanted good for me. Therefore I know how ignorant a person can be, I do not like my brothers and colleagues to remain in the state I was

in. I still ask forgiveness from Allah for my previous ignorance.

So let me draw the attention of the scholars of Islam to specific steps they should take. I do not accuse them of negligence, but rather, it is the advice Islam commanded us to give. My experience and my interaction with the European cultured intellectuals and my knowledge of the attitudes of others, all this made me believe that what is good for Islam is:

To make Islam known to all, in openness and without fearing anything. However, the respected scholars are free to take my opinion or neglect it.

I ask Allah to grant us all the ability to achieve our aspirations in a way that is good for Muslims and Islam.

CHAPTER THREE

WHO IS RESPONSIBLE FOR THE PRESENT SITUATION?

All Muslims are responsible for the present situation and the present state of Islam; however, the responsibility of some may differ from the responsibility of others, the responsibility of one group may diminish and the responsibility of another group intensify, but they are all responsible for their ignorance, immorality and infidelity, and for their division, weakness and humiliation, and what they suffer of poverty and exploitation, and also what they bear of the colonialism oppression and the adversity of occupation.

The Responsibility of the Public:

The Muslim masses are responsible for the present state of Islam; the practice of Islam has reached this present state only due to these masses' ignorance of Islam and their deviation, little by little, from Islam. They have continued on this path until they almost apostatised from Islam without knowing they have done so.

The Muslim masses have become so familiar with immorality, infidelity and atheism that they now see all of this and think these situations do not contradict Islam, or think that Islam does not fight against immorality, infidelity and atheism; they are not concerned whatever with this matter.

Islam requires Muslims to learn and be well-versed in Islam and to teach each other about it, "*And the believers should not all go out to fight. Among every troop of them, a party only should go forth, that they [who are left behind] may gain sound knowledge in religion, and that they may warn their folk when they return to them, so that they may beware*" [Repentance, 9: 122].

For a long time, groups of Muslims have rushed to warn their people and try to educate them about the religion. But Islamic governments took upon themselves the task of fighting these groups and stopping them fulfilling what is mandatory in Islam in order to make colonialists content, obey tyrants, and pay allegiance to the enemies of Islam. The masses were content with the situation of these governments. They should not have been contented with it.

Consequently, the public participated with the governments in suffocating Islam and demolishing the groups working for Islam.

The Muslims masses have lost their power, pride and dignity. They live as slaves to the strong colonizers and rulers, who plunder the masses' provisions, diminish their powers, tread on their dignity, and squandered their freedom. This did not happen to the Muslims except after they left their religion, the religion of strength, honour and pride. If they return to their religion, the strength they had lost would return to them, as well as the honour they were deprived of and the pride they are longing for.

The Muslims masses are in dangerous negligence; they are inattentive about their religion, their world and themselves. On the day their eyes will be opened to the facts, they will realise that they have lost their worldly life and the Hereafter because they were negligent in giving Allah His right and because they had deviated from the Book of Allah.

Responsibility of Islamic Governments:

The Islamic governments are responsible, to a greater extent, for the humiliation that has befallen Islam and the shame and dread that has befallen the Muslims.

The Islamic governments have detached Islam from the affairs of life, the Muslims have chosen what Allah has forbidden them, and the governments have ruled them by other than Allah's rulings.

The Islamic governments have pushed the Muslims to rely on European delusions and have diverted them from divine guidance, judging them according to the statutory laws and not according to the rulings of the Islamic *Shari'ah*.

The Islamic governments have deviated from Islam in governance, politics and administration, and have departed from the principles of Islam, there is no freedom, equality or justice, and they have rejected what Islam requires. There is no cooperation between the Muslims, no solidarity or compassion, and they encouraged what Islam prohibits of injustice, favouritism, exploitation and feudalism. They founded the Islam society on corruption and degradation, immorality, disobedience, selfishness and tyranny.

The Islamic governments have averted the Muslims from learning their religion, knowing their Lord, and performing their duty.

The Islamic governments ally with the enemies of Islam, but Islam has banned them from allying with their enemies; they obey Allah's enemies in hurting the Muslims, and they should not obey them.

The Islamic governments have made the Muslims weak and humiliated, made them subject to exploitation and poverty, and spread corruption and prostitution among them.

Responsibility of the Heads of States:

The Heads of the Islamic countries are the ones who carry the greatest responsibility for Islam and what befell Islam. If the statutory laws exempt them from responsibility, Islam does not exempt them from being asked about all trivial and significant matters. But what prevents a person from confronting them with the present circumstances and opening their eyes to the facts?

O rulers, governance and authority are in your hands, and you have the power and competence to be able to restore Islam as it used to be, but you inherited status quos contrary to Islam from your predecessors, and so you keep following these ways and you establish your authority according to them, knowingly or unknowingly of their violation of Islam. These inherited situations are the main thing that weakens Islam and delays its people from rising, and every weakness of Islam will affect you, and every power it has, means your strength. It is better for you to be an individual in a strong state than to be kings, princes and presidents in a weak, enslaved state dominated by a junior employee of a colonial state who orders and prohibits, and overthrows and establishes governments, whose command shakes thrones and the feet of presidents and princes.

O presidents, you are divided, but it is better for you and Islam to gather your powers. You are either disputing among each other or disunited, but it is better for you and Islam to cooperate and unite, and for each of you to listen to one another. It is better

and more upright for you to be allies to each other than all of you being subservient to colonialism with the colonialists taking control over you.

O Muslims presidents, put Islam above everything, and judge yourselves according to it. Make Islam the basis of your rulings, and establish the Islamic state on its principles. Do not make yourselves an obstacle in the way of establishing this state. You yourselves are perishable, and there is nothing after death except Paradise or Fire, and none of you will benefit from his property, money or family; only good deeds will benefit him then and the establishment of Allah's command. It is better for you that history records that you helped restore the Islamic state and rulings. Do not delay the establishment of this state by holding on to your positions and conditions that Islam does not like for the Muslims.

The whole matter will only require the strength of your resolve, overcoming yourselves, as if you overcome yourselves, you will have mastered everything. If you just consider your benefits and the temptations of power and authority, all the Muslims will remain divided, in decline, weak and humiliated. The strong powers will overwhelm both you and them, and the colonists will frighten both you and them. Countries with ambitions and influence will manipulate both you and them, and they will exploit both of you. Those who understand well realise that power is attained by being united, and those who have power are the ones who will dominate.

O presidents, do not hold on to kingdoms and authority and do not cling to titles and crowns. For this clutching is what has humiliated Muslims, weakened in them the spirit of Islam, and tore them into weak principalities, small states and emirates that cannot repel any enemy and protect any right. Muslims have become, despite their numbers, the vastness of their countries, the availability of raw materials, their labour force, and their means to attain sovereignty and greatness, the weakest people on the earth and the most humiliated and insulted, occupying the lowest status amid the different states.

If you are overwhelmed by your interest in your benefits, positions, titles and authority, then make sure you join together in some way to unite and reinforce the power of your countries with the intention of all Muslims becoming united as one power.

O heads of Islamic states, your positions and titles will not avail you at all from Allah, and Allah will ask you and your predecessors about Islam and the Muslims. He will ask you about the Islam that has become strange in your country and neglected in your rulings. He will question you about the Muslims who you have divided, whose strength you lost, and whose state you tore up. You and your predecessors made them an example of subjection to artificial borders, weak power, wasted dignity and ambitions that humiliate honourable men, putting your feet on the heroes and putting gentlemen's noses in the dust.

O heads of Islamic states, do not cling to a position of governance and authority, for Prophet Muhammad (pbAbuh) said, “You will eagerly seek out the office of governorship, but it will become a cause of regret on the Day of Resurrection. How excellent a *Murdi’ah* (wet nurse) it is! Yet how bad a *Fatimah* (one who weans) it is.” [20]

Be informed that a position of authority is a trust, so whoever fulfils it properly and does what he must do for it, he will be saved on the Day of Resurrection. Then give the trusts to the people who deserve them, Allah will ask you about this. Remember the words of the Prophet (pbAbuh) to Abu Dharr when he asked the Prophet to appoint him to a public office. He said, “Abu Dharr, you are weak, and authority is a trust, and on the Day of Judgment it is a cause of abasement and regret except for the one who fulfils its obligations and (properly) discharges the duties.” [21]

Responsibility of Islamic Scholars:

- Scholars of Islam carry the burden of the present situation and the guilt for what Islam has been afflicted with. Moreover, they take the colonists’ [the public’s] [22] burden along with those

²⁰ [] Al-Bukhari related it in the Book of Rulings: Chapter on what is hated concerning the authority of ruling, number [7148]. [The publisher]

²¹ [] Related by Muslim in the book on Government: Chapter on the hatred of being appointed to a position of authority without any necessity, No. [1825]. [The publisher]

who are inattentive to Islam and have abandoned it.

- Scholars of Islam deserve this attribution because they assist or keep quiet about colonialism, and serve Islamic governments at times and leave them at other times. This is because they leave Muslim masses ignorant of the essential rulings of Islam, not knowing the meaning of Islam.
- Scholars of Islam, in this way, keep the Muslims far from Islam because they did not teach the Muslim masses the rulings of Islam on colonialism and the colonists and the rulings of Islam on governments that assist colonialism and ally with colonists; thus, the masses blindly accepted the colonialism and obeyed the governments that served colonialism. And by the scholars' silence, Islam was lost, and the masses were satisfied with the loss of Islam and even helped it because the masses believed that the scholars of Islam keep quiet because it is in accordance with Islam and satisfies the Lord of all creatures.
- Scholars of Islam closed their eyes, shut their mouths, put their fingers in their ears, and slept, ignoring their duty to Islam, not waking up for several centuries. As a result, the Muslims copied them and slept as well; they believed Islam was safe, as otherwise, its eminent scholars would not have been sleeping about it.

²²□ An addition, to explain the context, omitted in the previous editions of the book. [The publisher]

- Scholars of Islam have been sleeping for a long time about Islam, and they have not denounced any situation contrary to Islam, nor have they tried to stop any order or judgment contrary to the rulings of Islam. They never met to demand a return to the rulings of Islam.
- The rulers committed grievances, legalised the prohibited, spilt innocent blood, violated honours, spread corruption in earth, and exceeded the limits of Allah. But the scholars did not move to remove the grievances, and they were not angry with the legalisation of the prohibited. It was as if Islam does not ask them to make any changes, has not imposed any obligation on them, or has necessitated them to enjoin the good and forbid the evil. It is though Islam does not coerce them to advise the rulers and demand them to refer to the rules of Islam.

The Islamic countries were occupied, but their scholars were not angry at the occupation and did not teach the people the ruling of the Qur'an and Sunnah with regard to *Jihad* against occupiers and resistance to occupation, and the ruling with regard to the issue of occupiers and allying with the occupation.

The Islamic scholars were supposed to boycott the disbelieving occupiers, but unfortunately, they allied with the enemies of Islam and took the residence of the chancellor of the occupying country as its headquarters to revive some festivals of Islam.

The statutory laws were implemented in the countries of Islam. These laws contradict the rulings of Islam, and the implementation of these laws led to the disruption of Islam, the permissibility of what Allah has prohibited, and the prohibition of what Allah has permitted. Scholars were not annoyed by the destruction of Islam in their countries, and they were not upset about their future while they yearned for more, dressed, and lived at the expense of Islam. They did not meet or consult with others to preserve their future and the future of Islam.

Debauchery and dissoluteness spread, bars and nightclubs were established, Muslim governments authorised prostitution for Muslim women, and people spread views contrary to Islam; thus, the scholars shrank into the background and became satisfied with shaking heads and whining.

Civil schools were established which did not recognise the teaching of religion, and religious scholars were the first to accept them and bring their children there. Missionary schools were established to preach Christianity and turn Muslim children against Islam. Muslim scholars placed their daughters in them to become versed in a foreign language and learn dancing and Christianity.

Whenever any situation aggravated one of the governments, it resorted to the Islamic scholars, who quickly advised the Muslims to obey the government that permitted alcohol, fornication, disbelief and

immorality. They replaced the rulings of Islam with the whims of the people and the fancies of rulers and parties.

And this matter continued for Muslims until the Muslims thought the present situation of immorality and disobedience is the real Islam. Lewdness and prostitution then prevailed, corruption was prevalent, and reform was rare. All of this was caused by the Islamic scholars and their negligence in establishing the rulings of Islam.

The scholars are the heirs of the prophets, but it is not appropriate for scholars to act in this way with the inheritance of the prophets. Islam imposed on scholars the duty to enjoin the good and forbid the evil, so who will perform this duty if the scholars neglect it?

But Allah (Exalted be He) enabled the scholars of Egypt to finally speak out and they started, contrary to their usual habit, to gather, preach to the people, and call for strikes and sit-ins. But do you think that was for the sake of Islam and establishing the rulings of Islam? No, by Allah, they only revolted and were provoked because of salaries, bonuses and financial rises, and personal dignities. For these aims, they issued statements, held meetings, and gave rhetorical speeches which they adorned with hadiths and verses of the Qur'an.

But they have done this for their own sake and to preserve their dignity; they did not do it for Islam, as

though Islam was less important than them, and its dignity was less than their dignity.

It is a painful fact that when some of them in these meetings wanted to remind them of Islam and direct this rage for the benefit of Islam, they silenced him and rejected what he said, as if working for Islam was evil in the eyes of the Islamic scholars.

O scholars of Islam! Fear Allah with regard to yourselves and Islam.

O scholars of Islam! You did not become contemptible in the eyes of the countries and rulers until after you treated Islam with contempt.

O scholars of Islam! Your superiority is due to the pride of Islam, and your strength is due to the power of Islam. If you wish to feel respectable and strong, work for the dignity of Islam and the power of Islam.

O scholars of Islam! It is not part of the teachings of Islam at all for you to not clarify Allah's rulings and for you to turn a blind eye to Allah's enemies to the extent that they violated Allah's prohibitions.

O scholars of Islam! It is not part of the guidelines of Islam at all for your position to rise in the institutes in teaching its students about the rulings of Islam but the governments do not implement these rulings.

O scholars of Islam! It is not part of Islam at all for you to stand on pulpits to teach people good manners and how to perform acts of worship but leave them

ignorant of what confronts Islam with regard to governance, rulers, legislation and judiciary, and concerning sociology, economy and the treatment of enemies and friends.

Why do you not make matters clear for the people, and your job is to make matters clear?

Why do you not explain to the people the ruling of Islam on occupation, and on those who ally with and support, or fight and despise it?

Why do you not explain to the people the ruling of Islam regarding the rulers who compel Muslims to do what contradicts Islam and whether Islam obligates them to obey and follow their whims or compels them to rebel and turn against them?

Why do you not explain to people the ruling of Islam with regard to the statutory laws, and what Islam has ordered the Muslims to do in terms of obeying or disobeying such laws?

Why do you not explain to the people the ruling of Islam on money, exploitation and monopoly, while applying this ruling to our financial situations and economic conditions?

Why do you not explain to the people the ruling of Islam on those who fight against the advocates of Islam and support exterminating the workers of Islam?

Why do you not explain to the people the ruling of Islam about situations that violate Islam, whether they have to be tolerated or they have to be fought against and completely changed?

Why do you not explain to the people the ruling of Islam on giving advice and making statements to clarify matters, whether it is obligatory to give them only once in a life or it is obligatory to repeat them whenever the situation requires advice and such statements continues, to remind the people of the ruling of Islam all the time?

Why do you not explain to the people the ruling of Islam about a Muslim who demands respect for his own self but refuses to ask for respect for Islam?

O you scholars! I do not deny that there is a group of some honourable ones among you who have worked based on Allah's Book and have upheld its commands, and there are some of you who have given from their knowledge, strength and life to establish the rulings of the Qur'an, not hesitating when being blamed for fulfilling Allah's commands, but, by Allah, this is a minority that detests being associated with you and being affiliated to you. The work of this small good group cannot change much because of your evil work, and cannot lift your burdens and remove the stigma of negligence and carelessness.

O you scholars! Cling to this righteous group, follow its steps, and work for Islam, for you have remained

silent about Islam for a long time. This course is, by Allah, the best for you and Islam.